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No. 40]

NEW DELHI, SATURDAY, OCTOBER 3, 1998/ASVINA 11, 1920

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

## भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

वित्त मंत्रालय  
(राजस्व विभाग)

मुख्य आयकर आयुक्त का कार्यालय  
कलकत्ता, 22 जून, 1998  
सं० 4/98-99

MINISTRY OF FINANCE  
(Department of Revenue)

OFFICE OF THE CHIEF COMMISSIONER OF INCOME  
TAX  
Calcutta, the 22nd June, 1998  
No. 4/98-99

का०आ० 1931.— जलपाईगुड़ी के प्रभार में उ.आ.आ. रेंज—जलपाईगुड़ी के अधीन स.आ.आ., मुख्यालय के प्रभार को एतद्वारा दि. 01-07-1998 से समाप्त किया जाता है।

आ.आ. जलपाईगुड़ी प्रभार में उ.आ.आ. रेंज—जलपाईगुड़ी के अधीन स.आ.आ., जलपाईगुड़ी मुख्यालय जलपाईगुड़ी के एक नये प्रभार को एतद्वारा 01-07-1998 से सृजित किया जाता है।

[सं० स.आ./मुख्या./योजना/10/98-99]  
पी० के० शर्मा, मुख्य आयकर आयुक्त

S.O. 1931.—The charge of A.C.I.T. Headquarters Jalpaiguri under D.C.I.T. Range-Jalpaiguri in the charge of C.I.T., Jalpaiguri is hereby abolished with effect from 01-07-1998.

A new charge of A.C.I.T., Jalpaiguri with Headquarters at Jalpaiguri under D.C.I.T., Range-Jalpaiguri in the charge of C.I.T., Jalpaiguri is hereby created with effect from 01-07-1998.

[No. AC/HQ/Planning/10/98-99]

P. K. SARMA, Chief Commissioner of Income-tax

कलकत्ता, 18 सितम्बर, 1998

कर विवाद समाधान स्कीम, 1998

सं. 5/1998-99

का. आ. 1932 --में, मुख्य आयकर आयुक्त, कलकत्ता वित्त (सं. 2) अधिनियम, 1998 की धारा 87 (बी) के तहत अधिकारों का प्रयोग करते हुए एवं वित्त मंत्रालय (राजस्व विभाग), भारत सरकार द्वारा जारी अधिसूचना एस. ओ. 728 (इ) दिनांक 27-8-98 के अनुसरण में, एतद्वारा अधिसूचित करता हूँ कि निम्नलिखित अनुसूची के कॉलम 2 में विनिर्दिष्ट आयकर आयुक्त अनुसूची के कॉलम 3 में दिये गये मामलों अथवा मामलों के वर्गों के सम्बन्ध में "कर विवाद समाधान स्कीम 1998" के अधीन पदनामित प्राधिकारी के रूप में कार्य करेंगे।

## अनुसूची

क्र. सं.	पदनामित प्राधिकारी	क्षेत्राधिकार
1.	आयकर आयुक्त पश्चिम बंगाल-I, कलकत्ता	(अ) निम्नलिखित क्षेत्राधिकार के निर्धारण अधिकारियों द्वारा निर्धारित या निर्धारण योग्य सभी व्यक्ति : 1. उप आयकर आयुक्त, रैंज-1, कलकत्ता 2. उप आयकर आयुक्त, रैंज-22, कलकत्ता (ब) निम्न द्वारा निर्धारित या निर्धारण योग्य सभी व्यक्ति 1. उप आयकर आयुक्त, विशेष रैंज-1, कलकत्ता 2. उप आयकर आयुक्त, विशेष रैंज-7, कलकत्ता 3. उप आयकर आयुक्त, विशेष रैंज-11, कलकत्ता 4. उप आयकर आयुक्त, विशेष रैंज-22, कलकत्ता
2.	आयकर आयुक्त, पश्चिम बंगाल-II, कलकत्ता	(अ) निम्नलिखित क्षेत्राधिकार के निर्धारण अधिकारी द्वारा निर्धारित या निर्धारण योग्य सभी व्यक्ति : 1. उप आयकर आयुक्त, रैंज-7, कलकत्ता 2. उप आयकर आयुक्त, रैंज-10, कलकत्ता (ब) निम्नलिखित द्वारा निर्धारित या निर्धारण योग्य सभी व्यक्ति : 1. उप आयकर आयुक्त, विशेष रैंज-2, कलकत्ता 2. उप आयकर आयुक्त, विशेष रैंज-10, कलकत्ता 3. उप आयकर आयुक्त, विशेष रैंज-12, कलकत्ता 4. उप आयकर आयुक्त, विशेष रैंज-21, कलकत्ता
3.	आयकर आयुक्त, पश्चिम बंगाल-VII, कलकत्ता	निम्नलिखित क्षेत्राधिकार के निर्धारण अधिकारी द्वारा निर्धारित या निर्धारण योग्य सभी व्यक्ति : 1. उप आयकर आयुक्त, रैंज-6, कलकत्ता 2. उप आयकर आयुक्त, रैंज-11, कलकत्ता 3. उप आयकर आयुक्त, रैंज-20, कलकत्ता 4. उप आयकर आयुक्त, रैंज-21, कलकत्ता
4.	आयकर आयुक्त, पश्चिम बंगाल-VIII, कलकत्ता	(अ) निम्नलिखित क्षेत्राधिकार के निर्धारण अधिकारी द्वारा निर्धारित या निर्धारण योग्य सभी व्यक्ति : 1. उप आयकर आयुक्त, रैंज-13, कलकत्ता 2. उप आयकर आयुक्त, रैंज-15, कलकत्ता

1	2	3
		(ब) उप आयकर आयुक्त, विशेष रेंज-8, कल. द्वारा सभी निर्धारित या निर्धारण योग्य व्यक्ति
5. आयकर आयुक्त, जलपाईगुड़ी, जलपाईगुड़ी		(अ) निम्नलिखित क्षेत्राधिकार के निर्धारण अधिकारियों द्वारा सभी निर्धारित या निर्धारण योग्य व्यक्ति; 1. उप आयकर आयुक्त, रेंज-जलपाईगुड़ी, जलपाईगुड़ी 2. उप आयकर आयुक्त, रेंज-सिलीगुड़ी, सिलीगुड़ी (ब) उप आयकर आयुक्त, विशेष रेंज-जलपाईगुड़ी द्वारा निर्धारित या निर्धारण योग्य सभी व्यक्ति

यह आदेश 01-09-1998 से प्रभावी होगा।

[सं. स. आ./ मुख्य/योजना/ 871/98-99]

पी. के. शर्मा, मुख्य आयकर आयुक्त

Calcutta, the 18th September, 1998

KAR VIVAD SAMADHAN SCHEME, 1998

No. 5/1998-99

S.O. 1932.—I, the Chief Commissioner of Income-tax, Calcutta in exercise of the powers under section 87(b) of Finance (No. 2) Act, 1998 and in Pursuance of Notification vide SO 728(E) dt. 27-9-98 issued by Ministry of Finance (Deptt. of Revenue), Govt. of India, hereby notify that the Commissioners of Income-tax specified in Column 2 of the following schedule shall function as the Designated Authority under the 'KAR VIVAD SAMADHAN SCHEME, 1998' in respect of such cases or classes of cases as are referred to in Column 3 of the schedule.

#### SCHEDULE

Sl. No.	Designated Authority	Jurisdiction
1	2	3
1. Commissioner of Income-tax, West Bengal-I, Calcutta.		(a) All the persons assessed or assessable by the Assessing Officers under the jurisdiction of : 1. Deputy Commissioner of Income-tax, Range-1, Calcutta. 2. Deputy Commissioner of Income-tax, Range-22, Calcutta. (b) All the persons assessed or assessable by the— 1. Deputy Commissioner of Income-tax, Special Range-1, Calcutta. 2. Deputy Commissioner of Income-tax, Special Range-7, Calcutta. 3. Deputy Commissioner of Income-tax, Special Range-11, Calcutta. 4. Deputy Commissioner of Income tax, Special Range-22, Calcutta.

1	2	3
2. Commissioner of Income-tax, West Bengal-II, Calcutta.	(a) All the persons assessed or assessable by the Assessing Officers under the jurisdiction of : 1. Deputy Commissioner of Income-tax, Range-7, Calcutta. 2. Deputy Commissioner of Income-tax, Range-10, Calcutta. (b) All the persons assessed or assessable by the 1. Deputy Commissioner of Income-tax, Special Range-2, Calcutta. 2. Deputy Commissioner of Income-tax, Special Range-10, Calcutta. 3. Deputy Commissioner of Income-tax, Special Range-12, Calcutta. 4. Deputy Commissioner of Income-tax, Special Range-21, Calcutta.	
3. Commissioner of Income-tax, West Bengal-VII, Calcutta.	All the persons assessed or assessable by the Assessing Officers under the jurisdiction of : 1. Deputy Commissioner of Income-tax, Range-6, Calcutta. 2. Deputy Commissioner of Income-tax, Range-11, Calcutta. 3. Deputy Commissioner of Income-tax, Range-20 Calcutta. 4. Deputy Commissioner of Income-tax, Range-21, Calcutta.	
4. Commissioner of Income-tax, West Bengal-VIII, Calcutta.	(a) All the persons assessed or assessable by the Assessing Officers under the jurisdiction of : 1. Deputy Commissioner of Income-tax, Range-13, Calcutta. 2. Deputy Commissioner of Income-tax, Range-15, Calcutta. (b) All the persons assessed or assessable by the Deputy Commissioner of Income-tax, Special Range-8, Calcutta.	
5. Commissioner of Income-tax, Jalpaiguri, Jalpaiguri.	(a) All the persons assessed or assessable by the Assessing Officer's under the Jurisdiction of : 1. Deputy Commissioner of Income-tax, Range-Jalpaiguri, Jalpaiguri. 2. Deputy Commissioner of Income-tax, Range-Siliguri, Siliguri. (b) All the persons assessed or assessable by the Deputy Commissioner of Income-tax, Special Range-Jalpaiguri.	

This Order shall take effect from 01-09-1998.

[No. AC/HQ/Planning /871/98-99]  
P.K. SARMA, Chief Commissioner of Income-tax

## (आर्थिक कार्य विभाग)

(बीमा खंड)

नई दिल्ली, 23 सितम्बर, 1998

का०आ० 1933.—केन्द्रीय सरकार, भारतीय जीवन बीमा निगम वर्ग 3 और वर्ग 4 कर्मचारी (सेवा के निबंधनों और शर्तों का पुनरीक्षण) नियम 1985 के नियम 13 के उपनियम (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्धारित करती है कि वर्ग 3 और वर्ग 4 के कर्मचारियों में से प्रत्येक को 1 अप्रैल, 1997 को आरम्भ होने वाली और 31 मार्च, 1998 को समाप्त होने वाली अवधि के लिए बोनस के बदले में संदाय, उक्त उपनियम में अन्य उपबन्धों के अधीन रहते हुए, उसके संबलन के 15 प्रतिशत की दर पर किया जाएगा

[फा. सं. 2(15)/बीमा-III/96]

राजेन्द्र प्रसाद, अवर सचिव

(Department of Economic Affairs)

(Insurance Division)

New Delhi, the 23rd September, 1998

S.O. 1933.—In exercise of the powers conferred by sub-rule (2) of rule 13 of the Life Insurance Corporation of India Class III and Class IV Employees (Revision of Terms and Conditions of Service) Rules, 1985, the Central Government hereby determine that, subject to the other provisions of the said sub-rule, the payment in lieu of bonus for the period commencing on 1st day of April, 1997 and ending with 31st March, 1998 to every Class III and Class IV employee shall be at the rate of 15 per cent of his salary.

[F. No. 2(15)/Ins. III/96]

RAJENDRA PRASAD, Under Secy.

आणिज्य मंत्रालय

(विदेश व्यापार महानिदेशालय)

नई दिल्ली, 17 सितम्बर, 1998

का०आ० 1934.—मै. रोल्टा इण्डिया लि., रोल्टा भवन, 22वीं गली, एम.आई.डी.सी. मैरोल ग्रन्धेरी (ईस्ट), मुम्बई-400093 को ई.पी.सी.जी. स्कीम के अन्तर्गत पंजीकृत मास के आयात के लिए 59,83,098 रु. (केवल उनसठ लाख तिरासी हजार अठानवे रुपए) का आयात लाइसेंस सं. 01500677/1/13/10/1/01, दिनांक 19-12-97 मंजूर किया गया था।

2. फर्म ने ऊपर उल्लिखित लाइसेंस की विनियम निबंधन प्रयोजन की अनुलिपि जारी करने के लिए इस आधार पर आवेदन किया है कि लाइसेंस की मूल विनियम निबंधन प्रयोजन प्रति खो गई है या अस्थायनस्थ हो गई है। आगे यह भी कहा गया है कि लाइसेंस की विनियम निबंधन प्रयोजन प्रति को सीमाशुल्क सदन के पास पंजीकृत नहीं कराया गया था और इसे उपयोग में नहीं लाया गया है।

3. अपने कथन के समर्थन में लाइसेंसधारी ने नोटरी पब्लिक, महाराष्ट्र के समक्ष बिधिवत शपथ लेकर स्टाम्प

पेपर पर हलफनामा प्रस्तुत किया है। तदनुसार, मैं सन्तुष्ट हूँ कि आयात लाइसेंस सं. 01500677/1/13/10/1/01 दिनांक 19-12-97 की विनियम निबंधन प्रयोजन प्रति फर्म द्वारा खो गई है अथवा अस्थायनस्थ हो गई है। यथासंशोधित आयात (नियंत्रण) आदेश 1955 दिनांक 7/12/1955 की उपधारा 9 (सीसी) के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए मै. रोल्टा इण्डिया लि., मुम्बई को जारी किए गए उक्त मूल विनियम निबंधन प्रयोजन प्रति सं. 01500677-1/13/10/10 दिनांक 19-12-97 को एतद्द्वारा निरस्त किया जाता है।

4. उक्त लाइसेंस की विनियम निबंधन प्रयोजन अनुलिपि पाटों को अलग से जारी की जा रही है।

[फा. सं. 01/36/021/69/ए.एम. 98/ ई.पी.सी.जी. II/258]

के. चन्द्रामती, उप महानिदेशक, विदेश व्यापार

MINISTRY OF COMMERCE

(Office of Directorate General of Foreign Trade)

New Delhi, the 17th September, 1998

S.O. 1934.—M/s. Rolta Inda Ltd., Rolta Bhavan, 22nd Street, M.I.D.C., Marol, Andheri (EAST), Mumbai-400093 were granted an import licence No. 01500677/1/13/10/01 dated 19-12-97 for Rs. 59,83,098/- (Rupees Fifty Nine Lakhs Eighty Three Thousand and Ninety Eight only) for import of capital goods under EPCG Scheme.

2. The firm has applied for issue of duplicate of Exchange Control purpose of the above mentioned licence on the ground that the original exchange control purpose copy of the licence has been lost or misplaced. It has further been stated that the exchange control purpose copy of the licence was not registered with Customs House and not been utilised.

3. In support of their contention, the licence has filed an Affidavit on stamped paper duly sworn in before Notary Public Maharashtra. I am accordingly satisfied that the exchange control purpose copy of import licence No. 01500677/1/13/10/1/01 dated 19-12-97 has been lost or misplaced by the firm. In exercise of the powers conferred under Sub-clause 9(cc) of the Import (Control) order 1955 dated 7-12-1955 as amended, the said original exchange control purpose copy No. 01500677/1/13/10/1/01 dated 19-12-97 issued to M/s. Rolta India Ltd., Mumbai is hereby cancelled.

4. The duplicate exchange control purpose copy of the said licence is being issued to the party separately.

[F. No. 01/36/021/69/AM '98/EPCG-II/258]

K. CHANDRAMATHI, Dy. Director General of Foreign Trade

कोयला मंत्रालय

नई दिल्ली, 23 सितम्बर, 1998

का. आ. 1935.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन एवं विकास) अधिनियम, 1957 (1957 का 20) जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है की धारा 4 की उपधारा (i) के अधीन जारी और भारत सरकार के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 5 अक्टूबर 1996 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का. आ. 2801 तारीख 23 सितम्बर, 1996 द्वारा उस अधिसूचना से

संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप 1473.00 एकड़ (लगभग) या 596.11 हेक्टेयर (लगभग) है, कोयला का पूर्वक्षण करने के अपने आशय की सूचना दी थी,

और केन्द्रीय सरकार का यह समाधान हो गया है कि उक्त 1473.00 एकड़ (लगभग) या 596.11 हेक्टेयर (लगभग) भूमि में कोयला अभिप्राय है।

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इससे संलग्न अनुसूची में वर्णित 1473.00 एकड़ (लगभग) या 596.11 हेक्टेयर (लगभग) माप की भूमि अर्जित करने के अपने आशय की सूचना देती है।

टिप्पणी 1 : इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक सं. राजस्व/41/98 तारीख 20 अप्रैल 1998 का निरीक्षण कलेक्टर, सीधी (मध्य प्रदेश) के कार्यालय में या नार्दन कोलफील्ड्स लिमिटेड (राजस्व अनुभाग) सिंगरोली (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट कलकत्ता के कार्यालय में किया जा सकता है।

टिप्पणी 2 : कोयला धारक क्षेत्र (अर्जन एवं विकास) अधिनियम, 1957 (1957 का 20) की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध है :—

अनुसूची

निगाही ब्लाक विस्तार

नार्दन कोलफील्ड्स लिमिटेड, सिंगरोली

जिला—सीधी (मध्य प्रदेश)

सभी अधिकार

रेखांक सं. राजस्व/41/98 तारीख 20-4-98  
(अर्जित की जाने वाली भूमि दर्शाते हुए)

क्रम सं. ग्राम	तहसील	जिला	क्षेत्र (एकड़ में)	टिप्पणियां
1. निगाही	सिंगरोली	सीधी	362.00 एकड़	भाग
2. मेड़ोली	सिंगरोली	सीधी	548.00 एकड़	भाग
8. मुहेंर	सिंगरोली	सीधी	563.00 एकड़	भाग
कुल क्षेत्र			1473.00 एकड़ (लगभग)	
			या	
			596.11 हेक्टेयर (लगभग)	

8. अर्जन के विरुद्ध आक्षेप (i) कोई व्यक्ति जो किसी भूमि में जिसके बाबत धारा 7 के अधीन अधिसूचना जारी की गई है, हितबद्ध है, अधिसूचना के जारी होने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के संबंध में आक्षेप कर सकेगा।

स्पष्टीकरण :—इस धारा के अर्थ के अंतर्गत यह आक्षेप नहीं माने जाएंगे कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संश्रियाएं करना चाहता है और यह कि ऐसी संश्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उपधारा (i) के अधीन प्रत्येक आक्षेप सक्षम प्राधिकारी को लिखित रूप में दिया जाएगा और सक्षम प्राधिकारी आक्षेपकर्ता को स्वयं या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसे सभी आक्षेपों को सुनने के पश्चात् और ऐसी अतिरिक्त जांच, यदि कोई हो, जो वह आवश्यक समझता है करने के पश्चात् वह या तो धारा 7 की उपधारा (i) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के सम्बन्ध में एक रिपोर्ट या ऐसी भूमि विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के सम्बन्ध में विभिन्न रिपोर्ट केन्द्रीय सरकार की आक्षेपों पर अपनी मिकारियों और उसके द्वारा की गई कार्यवाही के अभिलेख सहित उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजन के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते हैं तो प्रतिकर में हित का दावा करने का हक्कदार होता।

टिप्पणी 3 : केन्द्रीय सरकार ने कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता 700001 को अधिनियम के अधीन सक्षम प्राधिकारी नियुक्त किया है।

ग्राम निगाही में अजित किए जाने वाले प्लॉट संख्यांक

1, 1/157, 2 (भाग), 3, (भाग) 4, 5 (भाग), एक असंख्यांकित प्लॉट, 8, 8/158 (भाग), 8/159 (भाग), 8/160, 9 (भाग), 10 (भाग), 69 (भाग), 70 (भाग), 71, 72 (भाग), 73 (भाग), 95 (भाग), 95/161, 95/162 (भाग), 95/165 (भाग), 95/167 (भाग), 96 (भाग), 97 (भाग), 98, 99, 100, 101, 102, 103, 104 (भाग), 110/173 (भाग), और 110/117 (भाग),

ग्राम मेढौली में अजित किए जाने वाले प्लॉट संख्यांक

93 (भाग), 100 (भाग), 116 (भाग), 123 (भाग), 124 (भाग), 125 (भाग), 127 (भाग), 128 (भाग), 129, 130, 131 132 (भाग), 133 (भाग) 134 (भाग) 135, 136, 137, 138, 139, 140 (भाग), 149 (भाग), 150, 151, 152 (भाग), 153, 154 (भाग), 155/1 (भाग), 156 (भाग)

ग्राम मुहूर में अजित किए जाने वाले प्लॉट संख्यांक

639 (भाग), 642 (भाग), 643, 644 (भाग), 645, 646 (भाग), एक असंख्यांकित प्लॉट, 648 (भाग), 649, 650, 651 652 (भाग), 653 (भाग), 685 (भाग), 686 (भाग), 687 (भाग); 688 (भाग), 690 (भाग), 691 से 696, 697 (भाग), 704 (भाग), 705, 706 (भाग), 708 (भाग), 709 (भाग), 711 (भाग), 714 (भाग), 715 (भाग), 716 (भाग), 790 (ग), 1725 (भाग), 1726 (भाग), 1727, 1728, 1729 (भाग), 1730 (भाग), 1731 (भाग), एक असंख्यांकित प्लॉट (भाग), 1811 (भाग) 1812 (भाग), 1813 से 1821, 1822 (भाग), 1830 (भाग), 1854 (भाग), एक असंख्यांकित प्लॉट (भाग), 1855, 1856 (भाग), 1857 से 1863, 1864 (भाग), 1865 से 1887, 1888 (भाग), 1889 (भाग), 1890 (भाग), 1891 (भाग), 1892 से 1894, 1895 (भाग), 1897 (भाग), 1898 (भाग), 1899 (भाग), 1901 (भाग), 1915 (भाग), 1944 और आर० एफ० 245 (भाग), और आर० एफ० 246 (भाग)

सीमा वर्णन

क-खम रेखा बिन्दु 'क' से आरम्भ होती है और ग्राम मुहूर के प्लॉट संख्या 639, 642, 644, 646, 648, और 716 से होकर जाती है तथा बिन्दु 'ख' पर मिलती है।

ख-ग रेखा बिन्दु 'ख' से आरम्भ होती है और ग्राम मुहूर के प्लॉट संख्या 716, 715, 714, 711, 708, 709, 706, 704, 697 1864, 790, 1850, 1856, 1853, 1854, एक असंख्यांकित प्लॉट, आर० एफ० 245, प्लॉट संख्या, 1830, पुनः आर० एफ० 245, प्लॉट संख्या, 1822, 1811, 1812, एक असंख्यांकित प्लॉट 1729, 1730, 1731, 1726, 1725, आर० एफ० 246 तथा ग्राम मेढौली के प्लॉट संख्या 127, 128, 125, 124, 116, और 123 से होकर जाती है तथा बिन्दु 'ग' पर मिलती है।

ग-घ रेखा बिन्दु 'ग' से आरम्भ होती है और ग्राम मेढौली के प्लॉट संख्या 123 और 100 से होकर जाती है तथा 'घ' पर मिलती है।

घ-ङ रेखा बिन्दु 'घ' से आरम्भ होती है और ग्राम मेढौली के प्लॉट संख्या 100, 93, 155/1 से होकर जाती है तथा बिन्दु 'ङ' पर मिलती है।

ङ-च रेखा बिन्दु 'ङ' से आरम्भ होती है और ग्राम मेढौली के प्लॉट संख्या 155/1 और 156 से होकर जाती है तथा बिन्दु 'च' पर मिलती है।

च-छ रेखा बिन्दु 'च' से आरम्भ होती है और ग्राम मेढौली के प्लॉट संख्या 156, 155/1, 154, 152, 149 और 132 से होकर जाती है। तथा बिन्दु 'छ' पर मिलती है।

छ-ज रेखा बिन्दु 'छ' से आरम्भ होती है और ग्राम मेढौली के प्लॉट संख्या 132, 133 और 134 से होकर जाती है तथा बिन्दु 'ज' पर मिलती है।

ज-झ रेखा बिन्दु 'ज' से आरम्भ होती है और ग्राम मेढौली के प्लॉट संख्या 134 से होकर जाती है तथा बिन्दु 'झ' पर मिलती है।

झ-अ रेखा बिन्दु 'झ' से आरम्भ होती है और ग्राम मेढौली के प्लॉट संख्या 134 और 140 तथा ग्राम निगाही के प्लॉट संख्या 3, एक असंख्यांकित प्लॉट 5 8/159, 8/158, 110/173, 110/177, 104, 95/167 से होकर जाती है तथा बिन्दु 'अ' पर मिलती है।

आ-ट रेखा बिन्दु 'अ' से आरम्भ होती है और ग्राम निगाही के प्लॉट संख्या 95/167, 95, 95/165, 95/162, 96, 97 72, 73, 70, और 69 से होकर जाती है तथा बिन्दु 'ट' पर मिलती है।

ट-ठ रेखा बिन्दु 'ट' से आरम्भ होती है और ग्राम निगाही के प्लॉट संख्या 69, 9 और 2 से होकर जाती है तथा बिन्दु 'ठ' पर मिलती है।

ठ-क रेखा बिन्दु "क" से आरम्भ होती है और ग्राम निगाही के प्लॉट संख्या 2 और 10, और ग्राम मुहर के और, एक. 246, और एक. 245 और प्लॉट संख्या 1901, 1899, 1888, 1889, 1890, 1891, 1898, 1897, 1895, 1915, 690, 688, 687, 686, 685, 706, 653, 652, 642 और 639 से होकर जाती है तथा आरम्भ बिन्दु "क" पर मिलती है।

[फा.सं. 43015/7/96-एल. डब्ल्यू./पी. आर. आर्ट डब्ल्यू.]

सुशील कुमार, उप सचिव

## MINISTRY OF COAL

New Delhi, the 23rd September, 1998

S.O. 1935.—Whereas by the notification of the Government of India in the Ministry of Coal, No. S.O. 2801, dated the 23rd September, 1996 issued under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India, Part II, Section 3, Sub-Section (ii), dated the 5th October, 1996, the Central Government gave notice of its intention to prospect for coal in 1473.00 acres (approximately) or 596.11 hectares (approximately) of the lands in the locality specified in the Schedule appended to that notification.

And whereas the Central Government is satisfied that coal is obtainable in the said 1473.00 acres (approximately) or 596.11 hectares (approximately) of lands.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the lands measuring 1473.00 acres (approximately) or 596.11 hectares (approximately) described in the Schedule appended hereto :

Note—1 The plan bearing No. Rev/41/98, dated the 20th April, 1998 of the area covered by this notification may be inspected in the office of the Collector, Sidhi (Madhya Pradesh), or at the office of the Northern Coalfields Limited (Revenue Section), Singrauli (Madhya Pradesh) or at the office of the Coal Controller, 1, Council House Street, Calcutta (West Bengal).

Note—2 Attention is hereby invited to the provisions of the section 8 of the Coal Bearing Areas

(Acquisition and Development) Act, 1957 (20 of 1957), which provides as follows.

### 8. Objection to Acquisition.

(1) Any person interested in any land in respect of which a notification under section 7 has been issued may, within thirty days of the issue of the notification object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation :—It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operation in the land for the production of Coal and that such operations should not be undertaken by the Central Government or any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further enquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land, or make different reports in respect of different part of such land or of rights in or over such land, to the Central Government containing his recommendations on the objections, together with the records of the proceedings held by him for the decision of that Government.

(3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act.

Note—3 The Coal Controller, 1, Council House Street, Calcutta has been appointed by the Central Government as the competent authority under the Act

## SCHEDULE

### NIGAHI BLOCK EXTENSION

### NORTHERN COALFIELDS LIMITED, SINGRAULI

### DISTRICT SIDHI (MADHYA PRADESH)

### ALL RIGHTS

Drawing No. Rev/41/98, dt. 20-4-98  
(showing lands to be acquired)

Sl No.	Village	Tahsil	District	Area in(acres)	Remarks
1	Nigahi	Singrauli	Sidhi	362.00 Acres	Part
2	Medhauli	Singrauli	Sidhi	548.00 Acres	Part
3	Muher	Singrauli	Sidhi	563.00 Acres	Part

Total area 1473.00 Acres (approximately)

or

596.11 Hectares (approximately)

Plot numbers to be acquired in village Nigahi.

plot, 8, 8|158(P), 8|159(P), 8|160, 9(P), 10(P).

1, 1|157, 2(P), 3(P), 4, 5(P), one unnumbered plot, 8, 8|158(P), 8|158(P), 8|160, 9(P), 10(P), 69(P), 70(P), 71, 72(P), 73(P), 95(P), 95|161, 95|162(P), 95|165(P), 95|167(P), 96(P), 97(P), 98, 99, 100, 101, 102, 103, 104(P), 110|173(P) and 110|177(P).

Plot numbers to be acquired in village Medhauli

93(P), 100(P), 116(P), 123(F), 124(P), 125(P), 127(P), 128(P), 129, 130, 131, 132(P), 133(P), 134(P), 135, 136, 137, 138, 139, 140(P), 149(P), 150, 151, 152(P), 153, 154(P), 155|1(P), 156(P).

Plot numbers to be acquired in village Muher

639(F), 642(P), 643, 644(P), 645, 646(P), one unnumbered plot, 648(P), 649, 650, 651, 652(P), 653(P), 685(P), 686(P), 687(P), 688(P), 690(P), 691 to 696, 697(P), 704(P), 705, 706(P), 707, 708(P), 709(P), 711(P), 714(P), 715(P), 716(P), 790(P), 725(P), 1726(P), 1727, 1728, 1729(P), 1730(P), 1731(P), one unnumbered part plot, 1811(P), 1812(P), 1813 to 1821, 1822(P), 1830(P), 1853(P), 1854(P), one unnumbered part plot, 1855, 1856(P), 1857 to 1863, 1864(P), 1865 to 1887, 1888(P), 1889(P), 1890(P), 1891(P), 1892 to 1894, 1895(P), 1897(P), 1898(P), 1899(P), 1901(P), 1915(P), 1944 & R.F. 245(P) and R.F. 246(P).

Boundary Discription

A-B Line starts from point 'A' and passes through plot numbers 639, 642, 644, 646, 648 and 716 of village Muher and meets at point 'B'.

B-C Line starts from point 'B' and passes plot numbers 716, 715, 714, 711, 708, 709, 706, 704, 697, 1864, 790, 1850, 1856, 1853, 1854, one unnumbered, R.F. 245, plot number, 1830, again R.F. 245, plot number, 1822, 1811, 1812, one unnumbered plot, 1729, 1730, 1731, 1726, 1725, R.F. 246 of village Muher and plot numbers 127, 128, 125, 124, 116 and 123 of village Medhauli and meets at point 'C'.

C-D Line starts from point 'C' and passes through plot numbers 123 and 100 of village Medhauli and meets at point 'D'.

D-E Line starts from point 'D' and passes through plot numbers 100, 93, and 155|1 of village Medhauli and meets at point 'E'.

E-F Line starts from point 'E' and passes through plot numbers 155|1 and 156 village Medhauli and meets at point 'F'.

F-G Line starts from point 'F' and passes through plot numbers 156, 155|1, 154, 152, 149 and 132 of village Medhauli and meets at point 'G'.

G-H Line starts from point 'G' and passes through plot numbers 132, 133 and 134 of village Medhauli and meets at point 'H'.

H-I Line starts point 'H' and passes through plot number 134 of village Medhauli and meets at point 'I'.

2556 GI/98-2

I-J Line starts from point 'I' and passes through plot numbers 134 and 140 of village Medhauli and plot numbers 3, one unnumbered plot, 5, 8|159, 8|158, 110|173, 110|177, 104, 95|167 of village Nigahi and meets at point 'J'.

J-K Line starts from point 'J' and passes through plot numbers 95|167, 95, 95|165, 95|162, 96, 97, 72, 73, 70 and 69 of village Nigahi and meets at point 'K'.

K-L Line starts from point 'K' and passes through plot numbers 69, 9, and 2 of village Nigahi and meets at point 'L'.

L-A Line starts from point 'L' and passes through plot numbers 2 and 10 of village Nigahi and R.F. 246, R.F. 245 and plot numbers 1901, 1899, 1888, 1889, 1890, 1891, 1898, 1897, 1895, 1915, 690, 688, 687, 686, 685, 706, 653, 652, 642 and 639 of village Muher and meets at starting point 'A'.

IF. No. 43015/7/96-LW/PRIW/  
SUSHIL KUMAR, Dy. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 7 सितम्बर, 1998

का.आ. 1936.-भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 3 की उप-धारा (1) के खण्ड (ख) के अनुसरण में डा० भानु प्रकाश दुवे, एसोसिएट प्रोफेसर और विभागाध्यक्ष, न्यायचिकित्सा और विषविज्ञान, गांधी मेडिकल कालेज, भोपाल को 30 मार्च, 1998 से भारतीय आयुर्विज्ञान परिषद के सदस्य के रूप में बरकतुल्ला विश्वविद्यालय की सभा द्वारा 30 मार्च, 1998 को निर्वाचित किया गया है ;

अतः अब उक्त अधिनियम की धारा 3 की उप-धारा (1) के खण्ड (ख) के अनुसरण में केन्द्रीय सरकार एतद्वारा तत्कालीन स्वास्थ्य मंत्रालय के बिनाक 9 जनवरी, 1960 के का.आ. संख्या 138 में निम्नलिखित और संशोधन करती है, अर्थात्

उक्त अधिसूचना में "धारा 3 की उप-धारा (1) के खण्ड (ख) के अन्तर्गत निर्वाचित" शीर्ष के नीचे क्रम संख्या 71 एवं उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रमांक तथा प्रविष्टियां रखी जाएंगी अर्थात् :—

"71 डा० भानु प्रकाश दुवे बरकतुल्लाह  
एसोसिएट प्रोफेसर और विभागाध्यक्ष, विश्वविद्यालय  
न्याय चिकित्सा तथा विष विज्ञान,  
गांधी मेडिकल कालेज, भोपाल"

[सं० की 11013/6/98-एमई(यू.जी.)]

एम. के. विद्या, डेस्क अधिकारी

पाद टिप्पण : मूल अधिसूचना दिनांक 9 जनवरी, 1960 के का.आ. संख्या 138 के तहत भारत के राजपत्र में प्रकाशित की गई थी ।

## MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 7th September, 1998

S.O. 1936.—Whereas in pursuance of clause (b) of sub-section (1) of Section 3 of the Indian Medical Council Act, 1956 (102 of 1956), Dr. Bhanu Prakash Dubey, Associate Professor and Head of the Department of Forensic Medicine and Toxicology, Gandhi Medical College, Bhopal has been elected on 30th March, 1998 by the Court of Barkatullah University, Bhopal to be a member of Medical Council of India from 30th March, 1998 ;

Now, therefore, in pursuance of clause (b) of sub-section (1) of Section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the erstwhile Ministry of Health Number S.O. 138, dated the 9th January, 1960, namely :—

In the said notification, under the heading “Elected under clause (b) of sub-section (1) of Section 3” for serial number 71 and the entries relating thereto, the following serial number and entries shall be substituted, namely :—

“71. Dr. Bhanu Prakash Dubey, Associate Professor and Head of the Department of Forensic Medicine and Toxicology, Gandhi Medical College, Bhopal.” Barkatullah University,

[No. V-11013/6/98-ME (UG)]

S. K. MISHRA, Desk Officer

Footnote.—The Principal notification was published in the Gazette of India vide S.O. 138, dated the 9th January, 1960

नई दिल्ली, 15 सितम्बर, 1998

का. आ. 1957.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खण्ड (ख) के अनुसरण में डा. बी. एन. रेड्डी, प्रोफेसर, न्यायिक चिकित्सा, गोवा मेडिकल कॉलेज बम्बोलिन, गोवा को गोवा विश्वविद्यालय सभा द्वारा इस अधिसूचना के जारी होने की तारीख से 30 नवम्बर, 2000 ईसवी तक भारतीय आयुर्विज्ञान परिषद् के एक सदस्य के रूप में निर्वाचित किया गया है।

अतः अब उक्त अधिनियम की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्द्वारा तत्कालीन स्वास्थ्य मंत्रालय, भारत सरकार की अधिसूचना संख्या का. आ. 138 दिनांक 9 जनवरी, 1960 में निम्नलिखित और संशोधन करती है; नामतः—

उक्त अधिसूचना में “धारा 3 की उपधारा (1) के खण्ड (ख) के अधीन निर्वाचित” शीर्षक के अधीन क्रम संख्या 65 और उससे संबंध प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टियाँ रखी जाएंगी, नामतः—

“65. डा. बी. एन. रेड्डी, गोवा विश्वविद्यालय”  
प्रोफेसर, न्यायिक चिकित्सा,  
गोवा मेडिकल कॉलेज,  
बम्बोलिन गोवा

[संख्या बी. 11013/17/96-एम ई (यू जी)]

एस. के. मिश्रा, डेस्क अधिकारी

टिप्पण—मुख्य अधिसूचना भारत के राजपत्र में जारी की गई थी।

New Delhi, the 15th September, 1998

S.O. 1937.—Whereas in pursuance of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), Dr. B. N. Reddy, Professor of Forensic Medicine, Goa Medical College, Bambolin, Goa has been elected by the Court of Goa University to be a member of the Medical Council of India from the date of issue of this notification upto 30th November, 2000 A.D.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendments in the notification of Government of India in the then Ministry of Health number S.O. 138, dated the 9th January, 1960, namely :—

In the said notification, under the heading, “Elected under clause (b) of sub-section (1) of section 3” for serial number 65 and the entries relating thereto, the following serial number and entries shall be substituted, namely:—

“65. Dr. B. N. Reddy, Professor of Forensic, Medicine, Goa Medical College, Bambolin, Goa.” Goa University.”

[No. V-11013/17/96-ME(UG)]

S. K. MISHRA, Desk Officer

Note.—The principal notification was published vide S.O. No. 138, dated 9-1-1960.

नई दिल्ली, 21 सितम्बर, 1998

का. आ. 1938.—ग्लामो (युनाइटेड किंगडम) विश्वविद्यालय द्वारा प्रदान की गई एम. बी. सी. एच. बी. आयुर्विज्ञान अर्हता भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 14 के प्रयोजन हेतु एक सामान्यताप्राप्त आयुर्विज्ञान अर्हता है;

और डा. (मृश्री) थोम्पसन क्रिस्टीन, जिसके पास उक्त अर्हता है; पूर्व कार्य के लिए कुष्ठ भिषगु अस्पताल, पुरुलिया, पश्चिम बंगाल से संलग्न है;

इसलिए अब उक्त अधिनियम की धारा 14 की उपधारा (1) के अनुसरण में केन्द्र सरकार एतद्द्वारा 30 सितम्बर, 1997 से एक वर्ष अर्थात् 30 सितम्बर, 1998 तक की अवधि को या उस अवधि को जिसके दौरान डा. (मृश्री) थोम्पसन क्रिस्टीन पुरुलिया कुष्ठ होम और अस्पताल, पुरुलिया पश्चिम बंगाल से संलग्न हैं, इनमें से जो भी अवधि लघुतर हो, उस अवधि के रूप में विनिर्दिष्ट करती है जिस तक उक्त डाक्टर का

चिकित्सा व्यवसाय उक्त सम्था के पूर्व कार्य के लिए सीमित होगा।

[सं. वी. 11016/3/94-एम ई (य जी)]

एस. के. मिश्रा, डेस्क अधिकारी

New Delhi, the 21st September, 1998

S.O. 1938.—Whereas the medical qualification M.B. Ch. R. granted by University of Glasgow United Kingdom is a recognised medical qualification for the purpose of section 14 of Indian Medical Council Act, 1956 (102 of 1956):

And whereas Dr. (Ms.) Thompson Kirsteen who possesses the said qualification is attached to the Leprosy Mission Hospital, Purulia, West Bengal for charitable work;

Now, therefore, in pursuance of sub-section (1) of section 14 of the said Act, the Central Government hereby specifies a period of one year beyond 30th September, 1997 that is upto 30th September, 1998 or a period during which Dr. (Ms.) Thompson Kirsteen is attached to Purulia Leprosy Home and Hospital Purulia West Bengal, whichever is shorter, as the period to which the medical practice of the said doctor shall be limited for charitable work to the said institution.

[No V-11016/3/94-ME (UG)]

S. K. MISHRA, Desk Officer

#### कृषि मंत्रालय

(पशुपालन एवं डेयरी विभाग)

नई दिल्ली, 21 सितम्बर, 1998

का.आ. 1939.—पशुधन आयात अधिनियम, 1898 (1898 का 9) के खंड-2 की धारा (ख) तथा खंड-3 के उपखंड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार बेल्जियम, बेलारूस, कनाडा साइप्रस, फ्रांस, जर्मनी, इजराइल, इटली, आयरलैंड, जापान, लैंगमबर्ग, नीदरलैंड, नार्वे, पुर्तगाल, स्विजरलैंड, यूनाइटेड किंगडम/ग्रेट ब्रिटेन तथा संयुक्त राज्य अमेरिका में टी.एस.ई. ग्रुप के रोगों की कथित घटना को ध्यान में रखते हुए इन देशों से भारत में जीवित गोपशु, भैंस, भेड़ तथा बकरी, बोवार्डन, ओवाइन तथा कैपराइन भ्रूण/अंडा ताजा मीट, मीट, उत्पाद टिस्सू/आर्गन (दूध तथा वॉय के अलावा), जुगली करने वाले पशुओं का मीट तथा बोन मील के आयात पर एतद्वारा प्रतिबंध लगाती है।

[फाइल सं. 50/31/98/एल.डी.टी.(ए.क्यू.)]

गोविन्द रा. पटवर्धन, संयुक्त सचिव

#### MINISTRY OF AGRICULTURE

(Department of Animal Husbandry & Dairying)

New Delhi, the 21st September, 1998

S.O. 1939.—In exercise of powers conferred by clause (b) of Section 2 and sub-section (i) of section 3 of the Livestock Importation Act, 1898 (9 of 1898), the Central Government hereby prohibits import into India of live cattle, buffalo, sheep and goat; bovine, ovine and caprine embryos/ova; fresh meat, meat products, tissue/organ (other than milk and semen), meat and bone meal of ruminant origin from Belgium, Belarus, Canada, Cyprus, France, Germany, Israel, Italy, Ireland, Japan, Luxembourg, Netherlands, Norway, Portugal, Switzerland, United Kingdom/Great Britain and

United States of America in view of reported incidence of ISE group of diseases in these countries.

[F. No. 50-31/98-LDT(AQ)]

G. R. PATWARDHAN, Jr. Secy.

#### वस्त्र मंत्रालय

नई दिल्ली, 21 सितम्बर, 1998

का.आ. 1940.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उप नियम 4 के अनुसरण में वस्त्र मंत्रालय के अंतर्गत आने वाले निम्नलिखित कार्यालयों को, जिनमें 80 प्रतिशत कर्मचारी बृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:—

1. प्रदर्शन सह प्रशिक्षण केन्द्र के.रे.प्रौ.अ.सं., के.रे.बो कालीपुर रोड धर्मपुरा, जिला-वस्तर 494005
2. तकनीकी सेवा केन्द्र क्षे.रे. अ. के., के. रे. बो शिव-पहाड़ दुमका-81410 (बिहार)
3. अनुसंधान विस्तार केन्द्र के.रे.अ.व.प्र. सं. के रे बो महेशपुरराज-816106 (बिहार)
4. क्षेत्रीय रेशम उत्पादन अनुसंधान केन्द्र पो. ब. नं. 9 कोरापुट 764020 (बिहार)
5. तकनीकी सेवा केन्द्र क्षे रे अ के, के रे बो लोहरदगा-835302 (बिहार)
6. तकनीकी सेवा केन्द्र क्षे रे अ के, के रे बो पाली-टेकनीक रोड सहर्सा-852201 (बिहार)
7. अनंतपुर काटन मिल ताखिपत्रि (आ प्र क के एवं माहे), एन.टी.सी., 29/2 के एच. रोड. शांति नगर. बेंगलूर-560027
8. केन्द्रीय रेशम प्रौद्योगिक अनुसंधान संस्थान केन्द्रीय रेशम बोर्ड बी.टी. एम लेआउट मंडीवाला, बेंगलूर-560068
9. केरल लक्ष्मी मिल्स, एन टी सी (आ प्र क के एवं माहे) पुल्लाक्षी त्रिचूर, केरल
10. पी 2 फार्म सह रेशमकीट बीज उत्पादन केन्द्र केन्द्रीय रेशम बोर्ड पो. बी. नं. 38 नवसारी-396449 (गुजरात)

[सं. ई-11016/1/98-हिंदी]

अरुण दास, उप सचिव,

#### MINISTRY OF TEXTILES

New Delhi, the 21st September, 1998

S.O. 1940.—In pursuance of sub-Rule 4 of Rule 10 of the Official Language (use for official purposes of the Union), Rules, 1976 the Central Government hereby notifies the following offices under the Ministry of Textiles whereof more than 80% staff have acquired working knowledge of Hindi:—

1. Demonstration-cum-Training Centre, CSB, Kalipur Road, Dharampura, Distt. Bastar-494005.
2. Technical Service Centre, CSB, Sheopahar Dumka-814101.

3. Research Extension Centre, CSB, Maheshpur-raj-816106 (Bihar).

4. Regional Silk Production Research Centre P.B. No. 9, Koraput-764020 (Bihar).

5. Technical Service Centre, CSB, Lohardagga (Bihar).

6. Technical Service Centre, CSB, Polytechnic Road, Saharsa-852201 (Bihar).

7. Anantpur Cotton Mill, Tadipatri (APKK & M), N.T.C., 29/2, K.H. Road, Shantinagar, Bangalore-560027.

8. Central Silk Technology Research Institute, CSB, B.T.M. Layout, Madivala, Bangalore-560068.

9. Kerala Laxmi Mills, N.T.C. (APKK&M), Pullajhi, Trichur, Kerala.

10. P2 Farm cum Silk Worm Seed Production Centre, CSB, P.B. No. 38, Navsari-396449 (Gujarat).

[No. E-11016/1/98-Hindi]

CHARAN DASS, Dy. Secy.

अन्तरिक्ष विभाग

बैंगलूर, 14 सितम्बर, 1998

का.श्रा. 1941.—सार्वजनिक परिसर (अप्राधिकृत दखल-कार की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एवं भारत सरकार, अन्तरिक्ष विभाग की संख्या एस. ओ. 4617 के दिनांक 24 दिसम्बर, 1983 की राजपत्र भाग II, खण्ड 3 उपखण्ड (ii) में प्रकाशित अधिसूचना का अधिक्रमण करते हुए, ऐसे अधिक्रमणों के पहले किए या करने हेतु छोड़ दिए सम्बन्धित कार्य को छोड़कर केन्द्रीय सरकार एतद्वारा निम्न तालिका के कालम (1) में उल्लिखित अधिकारी को राज-पत्रित अधिकारी होने के नाते, उक्त अधिनियम के उद्देश्य हेतु संपदा अधिकारी के रूप में नियुक्त करते हैं जो उक्त तालिका की कालम (2) की तत्संबंधी प्रविष्टि में उल्लिखित सार्वजनिक परिसर के संबंध में उनके क्षेत्राधिकार की स्थानीय सीमा के अन्तर्गत उक्त अधिनियम द्वारा या अधीन संपदा अधिकारी पर अधिरोपित शक्तियों का प्रयोग एवं कार्य का निष्पादन करेगा।

तालिका

अधिकारी का नाम	सार्वजनिक परिसरों की श्रेणियाँ और क्षेत्राधिकार की स्थानीय सीमा
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1	2
प्रशासन अधिकारी-1	कर्नाटक राज्य में स्थित बैंगलूर
सिविल इंजीनियर प्रभाग	जिले में अन्तरिक्ष विभाग और

1	2
अन्तरिक्ष विभाग	उसके केन्द्र/यूनिटों का स्वयं अपना
बैंगलूर-560094	अथवा पट्टे पर लिए गये अथवा
	अधिग्रहण किए गए भूमि तथा
	भवन और आवश्यक कालोनियाँ
	सहित सभी परिसर।

[सं. 9/2(2)/82-III वोल्यू-II]  
के.एस. रामचन्द्र, अवर सचिव

## DEPARTMENT OF SPACE

Bangalore, the 14th September, 1998

S.O.1941.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), and in supersession of the notification of the Government of India, Department of Space number S.O. 4617 published in the Gazette of India Part-II, Section 3, Sub-section (ii) dated the 24th December, 1983, except as respects things done or omitted to be done before such supersession, the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being Gazetted Officer of Government, to be Estate Officer for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed on estate officer, by or under the said Act, within the local limits of his jurisdiction in respect of the public premises specified in the corresponding entry in column (2) of the said table.

TABLE

Designation of the Officer	Categories of public premises and local limits of the jurisdiction
(1)	(2)
Administrative Officer-I Civil Engineering Division Department of Space Bangalore-560094	All premises including lands and buildings housing colonies owned by or taken on lease or requisitioned by the Department of Space and its Centres/Units in Bangalore District, in the State of Karnataka.

[No. 9/2(2)/82-III(V-II)]

K.S. RAMACHANDRA, Under Secy.

विद्युत मंत्रालय

नई दिल्ली, 21 सितम्बर, 1998

ग.श्रा. 1942.—सार्वजनिक स्थान (अप्राधिकृत अभिभोगियों की बे-दखली) अधिनियम, 1971 (1971 का 40) की धारा-3 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा नीचे दी गई तालिका के कालम (1) में उल्लिखित एक सांविधिक प्राधिकरण के अधिकारी जो कि भारत सरकार के राजपत्रित अधिकारी के समकक्ष है, को कथित अधिनियमों के प्रयोजनों के लिए संपदा अधिकारी नियुक्त करती है और वह उल्लिखित तालिका के कालम-2 में संबंधित, प्रविष्टि में निविष्ट सार्वजनिक स्थानों के बारे में कथित अधिनियम के द्वारा अथवा उसके अंतर्गत संपदा अधिकारी को प्राप्त की गई शक्तियों का उपयोग कर सकेगा और संपदा

## तालिका

अधिकारियों के नाम व पद	सार्वजनिक स्थलों की श्रणियां तथा अधाधिकार की सीमा
(1)	(2)
1. श्री मृदुल कुमार शुक्ला, उप प्रबन्धक (विधि) राष्ट्रीय राजधानी क्षेत्र नोएडा	एन.टी.पी.सी. के स्वामित्व वाले तथा उसके द्वारा पट्टे पर लिए गए सभी परिसर तथा ए8 ए, सेक्टर 24, नोएडा, जिला गाजियाबाद, उत्तर प्रदेश, स्थित कार्यालय तथा सेक्टर 34, नोएडा स्थित हाउसिंग कॉम्प्लेक्स तथा विद्युत प्रबन्धन संस्थान सेक्टर 24, नोएडा उत्तर प्रदेश स्थित लेने वाले गृह जो कि एन.टी.पी.सी प्रशासनिक नियंत्रण में हैं।
2. श्री एस. रघुरामन उप-महाप्रबन्धक (शहर प्रशासन) विध्याचल पर थर्मल पावर परियोजना।	एन.टी.पी.सी. के स्वामित्व वाले उनके अथवा उनके द्वारा पट्टे पर लिए गए सभी परिसर और डाकघर विन्ध्य नगर जिला सिधौ, मध्य प्रदेश स्थित उनके प्रशासनिक नियंत्रण में आने वाली विध्याचल सुपर थर्मल पावर परियोजना।

[सं. 8/6/92-थर्मल II]

एन. सी. बाग, अवर सचिव

## MINISTRY OF POWER

New Delhi, the 21st September, 1998

S.O. 1947.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers mentioned in column (1) of the table below, being officers of the National Thermal Power Corporation Limited, a statutory authority and equivalent to the rank of gazetted officers of the Government of India, to be estate officers for the purpose of the said Act, who shall exercise the powers conferred, and perform the duties imposed on the estate officers by or under the said Act, within the local limits of their respective jurisdiction in respect of the categories of public premises specified in the corresponding entry in column (2) of the said table.

## TABLE

Name and designation of the officers	Categories of Public premises and local limits of jurisdiction
(1)	(2)
1. Shri Mirdul Kumar Shukla Deputy Manager (Law) National Capital Region—NOIDA.	All premises belonging to or taken on lease by the National Thermal Power Corporation Limited and under the administrative control of its Office at A-8A, Sector 24, NOIDA, District Ghaziabad, Uttar Pradesh and its housing complex at Sector 34, NOIDA and participant houses at Power Management Institute, Sector 24, NOIDA, Uttar Pradesh.
2. Shri S. Raghuraman Deputy General Manager (Town Administration), Vindhyachal Super Thermal Power Project	All premises owned/belonging to or taken on lease by National Thermal Power Corporation Limited and under the administrative control of its Vindhyachal Super Thermal Power Project at P.O. Vindhyachal, District Sidhi, Madhya Pradesh.

[No. 8/6/92-TII.I]

N. C. BAG, Under Secy.]

दिल्ली विकास प्राधिकरण

(मुख्य योजना अनुभाग)

सार्वजनिक सूचना

नई दिल्ली, 25 सितम्बर, 1998

का.आ. 1943:—केन्द्रीय सरकार ने दिल्ली की मुख्य योजना/क्षेत्रीय योजना में निम्नलिखित संशोधन करने का 2556 GI/98—3

प्रस्ताव किया है, जिसे आश्रय जनता की जानकारी के लिए एतद्वारा प्रकाशित किया जाता है। यदि किसी व्यक्ति को प्रस्तावित संशोधनों के संबंध में कोई आपत्ति/सुझाव देना हो तो वे अपनी आपत्तियाँ/सुझाव इस सूचना के जारी होने की तिथि से 30 दिनों की अवधि के अन्दर आयुक्त एवं सचिव, दिल्ली विकास प्राधिकरण, विकास संवत, "बी" ब्लॉक, आई.एन.ए., नई दिल्ली

को लिखित रूप में भेज दें। आपत्ति/सुझाव देने वाले व्यक्ति को अपना नाम और पता भी देना चाहिये।

संशोधन :

“धीरपुर, डी.डी.ए. में स्थित लगभग 3.79 हेक्टेयर (9.36 एकड़) क्षेत्र, जो उत्तर में बाह्य रिंग रोड (रोड सं. 50), पूर्व में उच्चतम विद्यालय/प्राथमिक विद्यालय, दक्षिणी में मनोरंजनात्मक/बलस्वा झील और पश्चिम में मनोरंजनात्मक/उच्चतम विद्यालय से घिरा हुआ है, के भूमि उपयोग को “आवासीय उपयोग” से “व्यावसायिक उपयोग” (अश्वेणीबद्ध व्यावसायिक केन्द्र) में बदला जाना प्रस्तावित है।”

(2) “भारत के राजपत्र, भाग 2, खंड 3, उपखंड (2) दिनांक 1-8-90 में पृष्ठ 134 (बायीं ओर) पर “ग्रेड सेपरेटरस” शीर्षक के अन्तर्गत क्रम सं. 13 के बाद निम्नलिखित जोड़ा जाना है :—

14. रिंग रोड (महारानी बाग) को नौएडा से जोड़ने वाला यमुना पुल।”

(3) “जोन “डी” (नई दिल्ली क्षेत्र), जंगपुरा के अन्तर्गत आने वाले लगभग 11.61 हेक्टेयर (28.67 एकड़) क्षेत्र, जो पूर्व में विद्यमान रेलवे लाइन/सरकारी/रेलवे भूमि, दक्षिण में रेलवे लाइन और सरकारी/रेलवे भूमि और पश्चिम में सीवरेज ट्रीटमेंट प्लांट से घिरा हुआ है, के भूमि उपयोग को “विनिर्माण” से “आवासीय” (5.54 हेक्टेयर) और “व्यावसायिक” (6.07 हेक्टेयर) में बदला जाना प्रस्तावित है।”

(4) “जोन “ओ” (यमुना नदी क्षेत्र) के अन्तर्गत आने वाले लगभग 4.00 हेक्टेयर (9.88 एकड़) क्षेत्र, जो उत्तर में प्रस्तावित मनोरंजनात्मक उपयोग, पूर्व में प्रस्तावित 45 मीटर मार्गाधिकार मार्ग उपयोग, दक्षिण में प्रस्तावित 30 मीटर मार्गाधिकार और पश्चिम में रिंग रोड (90 मीटर मार्गाधिकार) से घिरा हुआ है, के भूमि उपयोग को “कृषिगत और जलाशय” (उपयोग जोन ए-4) से “विनिर्माण” (उपयोग जोन एम-2) में बदला जाना प्रस्तावित है।”

2. दिल्ली मुख्य योजना-2001 का मूल-पाठ/प्रस्तावित संशोधनों को दर्शाने वाले तक्के उपर्युक्त अवधि के दौरान निरीक्षण हेतु संयुक्त निदेशक कार्यालय, मुख्य योजना अनुभाग, छठी मंजिल, विकास मीनार, आई.पी. एस्टेट, नई दिल्ली में सभी कार्य-दिवसों को उपलब्ध रहेंगे।

[सं. एक 20(16)/95-एम.पी.]

विश्व गोहन बंसल, आयुक्त एवं सचिव

## DELHI DEVELOPMENT AUTHORITY

(Master Plan Section)

### PUBLIC NOTICE

New Delhi, the 25th September, 1998

S.O. 1943.—The following modifications which the Central Govt. proposes to make in the Master Plan/Zonal Plan for Delhi are hereby published for public information. Any person having objections/suggestion with respect to the proposed modifications may send the objection/suggestion in writing to the Commissioner-cum-Secretary, Delhi Development Authority, Vikas Sadan, 'B' Block, INA, New Delhi, within a period of thirty days from the date of issue of this notice. The person making the objection/Suggestion should also give his/her name and address.

### MODIFICATIONS :

“The land use of an area measuring about 3.79 ha. (9.36 acres) located in the Dheerpur DDA and bounded by Outer Ring Road (Road No. 50) in the North, Sr. Sec. School/Primary School in the East, Recreational/Balswa Lake in the South and Recreational/Sr. Sec. School in the West, is proposed to be changed from ‘Residential Use’ to ‘Commercial Use’ Non-Hierarchical Commercial Centre.”

(ii) “AT page 134 (LHS) of the Gazette of India Part II, Section 3, Sub-section (ii) dated 1-8-1990 under the heading of ‘Grade Separators’ the following is added after Sl. No. 13 :—

14. Yamuna Bridge Connecting Ring Road (Maharani Bagh) to NOIDA.”

(iii) “The land use of an area measuring about 11.61 ha. (28.67) acres) falling in Jangpura, Zone ‘D’ (New Delhi Area) and bounded by existing Railway Line/Govt./Railway land in the East, Railway line and Govt./Railway land in the South and Railway line and Sewerage Treatment Plant in the West, is proposed to be changed from ‘Manufacturing’ to ‘Residential’ (5.54 ha.) and ‘Commercial’ (6.07 ha.)”.

(iv) “The land use of an area measuring about 4.00 ha. (9.88 acres) falling in Zone ‘O’ (River Yamuna Area) and bounded by proposed Recreational use in the North, proposed 45 M R/W road use in the East, proposed 30 M R/W road in the South and Ring Road (90 M R/W) in the West, is proposed to be changed from ‘Agricultural and Water Body’ (Use Zone A-4) to ‘Manufacturing’ (Use Zone M-2)”.

2. The text of MPD-2001/plans indicating the proposed modifications are available for inspection at the office of the Joint Director, Master Plan Section 6th Floor, Vikas Minar, IP Estate, New Delhi on all working days within the period referred above.

[No. F. 20(16)95-MP]

V. M. BANSAL, Commissioner-cum-Secy.

**खाद्य और उपभोक्ता मामले मंत्रालय**

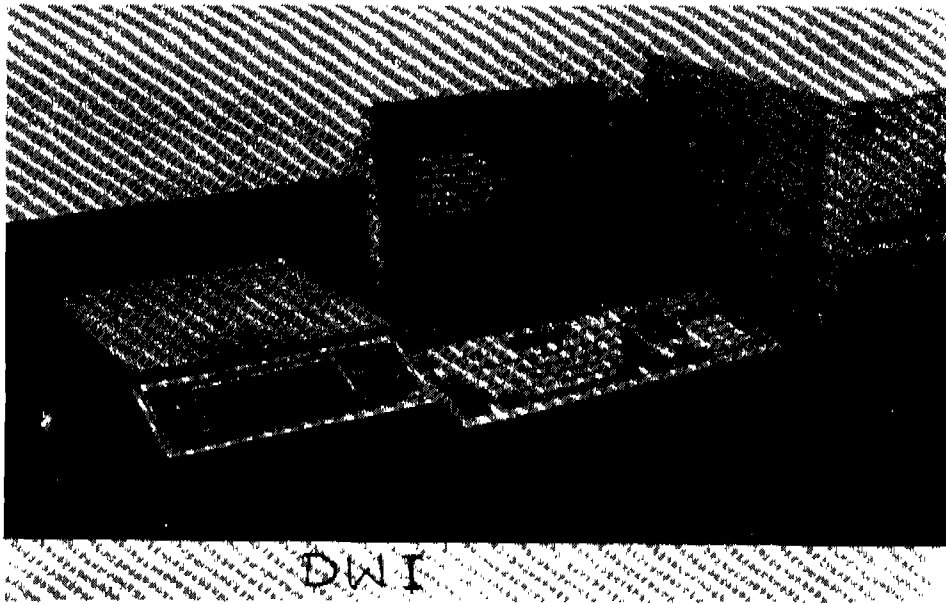
( उपभोक्ता मामले विभाग )

नई दिल्ली, 21 सितम्बर, 1998

**का. आ. 1944.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और संभावना यह है कि अविरत उपयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और परिवर्तित दशाओं में उपयुक्त सेवा देता रहेगा,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, वर्ग 3 यथार्थता (मध्यम यथार्थता) की “डी डब्ल्यू आई” श्रृंखला टाईप के स्वदर्शित गैर-स्वचालित इलेक्ट्रॉनिक तुला चौकी मशीन के माडल का जिसका ब्रांड नाम “डी डब्ल्यू आई” है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसका निर्माण मैसर्स डडवाल वेइंग इन्स्ट्रुमेंट्स वर्क्स, वसंत विहार, जोरा पाठक रोड, धनबाद-826001 (बिहार) द्वारा किया गया है और जिसे अनुमोदन चिन्ह आई. एन. डी./09/98/29 समुन्देशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त माडल (मध्यम यथार्थता) यथार्थता वर्ग 3 तुला यंत्र है जिसकी अधिकतम क्षमता 40 टन और न्यूनतम क्षमता 200 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 10 कि.ग्रा. है। इसमें एक अधितुलना युक्ति है जिसका शतप्रतिशत व्यवकलात्मक धारता प्रभाव है। उद्भारग्राही आयताकार है जिसकी भुजाएं 12×3 मीटर है। द्रव्य स्फटिक संप्रदर्शन तुलन परिणाम उपदर्शित करता है। यंत्र 230 वोल्ट और 50 वोल्ट हर्टज पर प्रत्यावर्ती धारा विद्युत प्रदाय कार्य करती है।

**आकृति**

इसके अतिरिक्त केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषित करती है कि उक्त माडल के अनुमोदन प्रमाणपत्र के अंतर्गत इसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन और सामग्री जिससे अनुमोदित माडल का विनिर्माण किया गया है, के अनुसार विनिर्मित इसी श्रृंखला के समरूप मेक, शुद्धता और निष्पादन वाले 10,000 से कम या उसके समक्ष (एन)  $\leq 10,000$  और 1,2,5 श्रृंखला के “ई” मूल्य के साथ अधिकतम क्षमता वाले तुलन यंत्र भी हैं।

[फा. सं. डब्ल्यू एम 21 (14)/96]

राजीव श्रीवास्तव, अपर सचिव

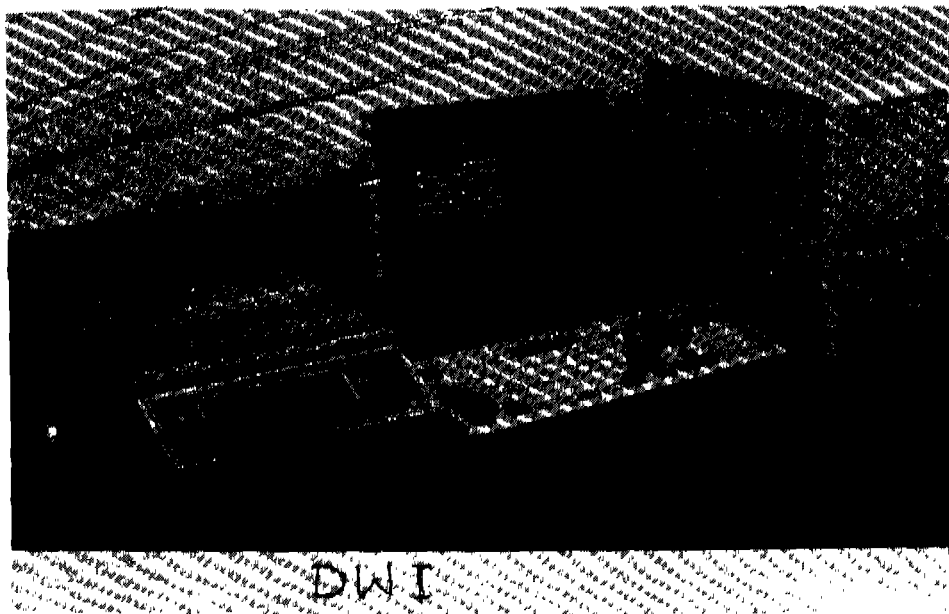
**MINISTRY OF FOOD AND CONSUMER AFFAIRS****(Department of Consumer Affairs)**

New Delhi, the 21st September, 1998

**S.O. 1944.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic, electronic weighbridge of type "DWI" series of class III accuracy (medium accuracy) with brand name "DWI" (hereinafter referred to as the Model) manufactured by M/s. Dadwal Weighing Instruments Works, Vasant Vihar, Jorapathak Road, Dhanbad-826001 (Bihar), and which is assigned the approval mark IND/09/98/29 ;

The said Model is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 40 T and minimum capacity of 200 kg. The verification scale interval (e) is 10 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of rectangular section of side 12×3 metre. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz. alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum number of verification scale interval (n) less than or equal to 10,000 ( $n \leq 10,000$ ) and with 'e' value of 1, 2, 5 series manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[File No. WM 21 (14)/96]

RAJIV SRIVASTAVA, Addl. Secy.

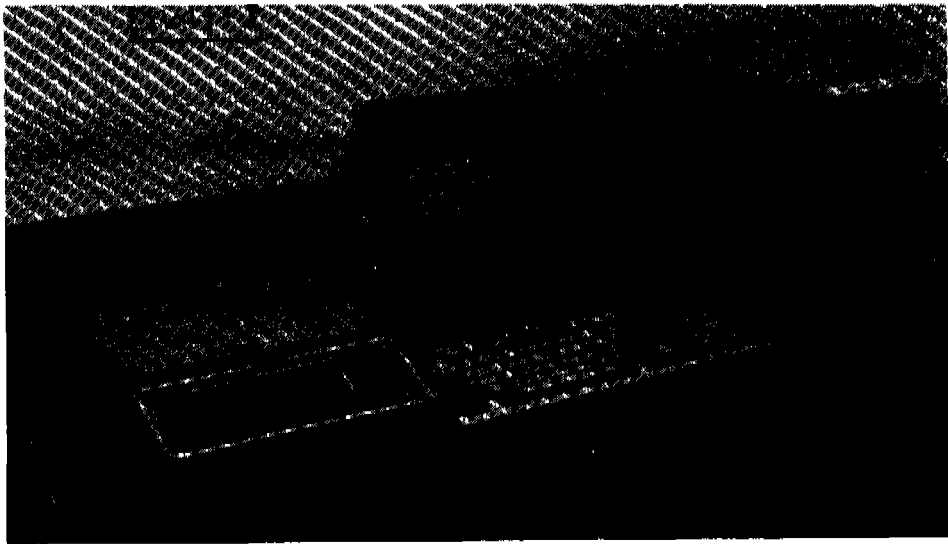
नई दिल्ली, 21 सितम्बर, 1998

**का. आ. 1945.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात् समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और संभावना यह है कि अविरत उपयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और परिवर्तित दशाओं में उपयुक्त सेवा देता रहेगा,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, वर्ग 3 यथार्थता (मध्यम यथार्थता) की डी डब्ल्यू आई-1 टाईप के स्वउपदर्शित गैर-स्वचालित, इलैक्ट्रॉनिक परिवर्तित तुला चौकी मशीन के माडल का जिसका बांड नाम “डी डब्ल्यू आई” है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसका विनिर्माण मैसर्स डबलाल वेइंग इन्स्ट्रूमेंट्स वक्स, वंसत विहार, जोरा पाठक रोड, धनबाद विहार द्वारा किया गया है और जिसे अनुमोदन चिन्ह आई. एन. डी./09/98/30 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त माडल (मध्यम यथार्थता) (यथार्थता वर्ग 3) तुला यंत्र है जिसकी अधिकतम क्षमता 100 कि.ग्रा. और न्यूनतम क्षमता 400 ग्राम है। सत्यापन मापमान अन्तराल (ई) 20 ग्राम. उद्भार ग्राही आयताकार है जिसकी भुजाएं 500×600 मिली मीटर है। द्रव्य स्फटिक संप्रदर्शन तुलन परिणाम उपदर्शित करता है। यंत्र 230 वोल्ट और 50 हर्टज आवृत्ति पर प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करती है।

### आकृति



इसके अतिरिक्त केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषित करती है कि उक्त माडल के अनुमोदन प्रमाण पत्र के अंतर्गत इसी विनिर्माता द्वारा उसी सिद्धांत डिजाइन और सामग्री जिससे अनुमोदित माडल का विनिर्माण किया गया है, के अनुसार विनिर्मित इसी श्रृंखला के समरूप मेक, क्षमता और निष्पादन वाले 10,000 से कम या उसके समान (एन 10,000) और 1, 2, 5 श्रृंखला के “ई” मूल्य के साथ अधिकतम क्षमता वाले तुलन यंत्र भी हैं।

[ फा. सं. डब्ल्यू एम 21 (14)/96 ]

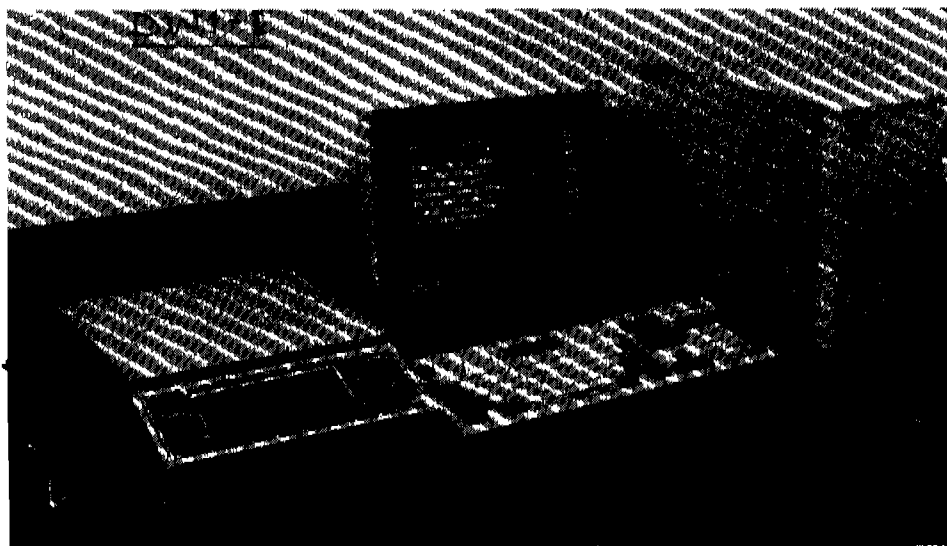
राजीव श्रीवास्तव, अपर सचिव

New Delhi, the 21st September, 1998

**S.O.1945.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic, electronic conversion type weighbridge of type "DWI" series of class III accuracy (medium accuracy) with brand name "DWI" (hereinafter referred to as the Model) manufactured by M/s. Dadwal Weighing Instruments Works, Vasant Vihar, Jorapathak Road, Dhanbad-826001 (Bihar), and which is assigned the approval mark IND/09/98/30;

The said Model is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 40 t and minimum capacity of 200 kg. The verification scale interval (e) is 10 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of rectangular section of side  $12 \times 3$  metre. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz. alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum number of verification scale interval (n) less than or equal to 10,000 ( $n \leq 10,000$ ) and with 'e' value of 1, 2, 5 series manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[File No. WM 21 (14)/96]

RAJIV SRIVASTAVA, Addl. Secy.

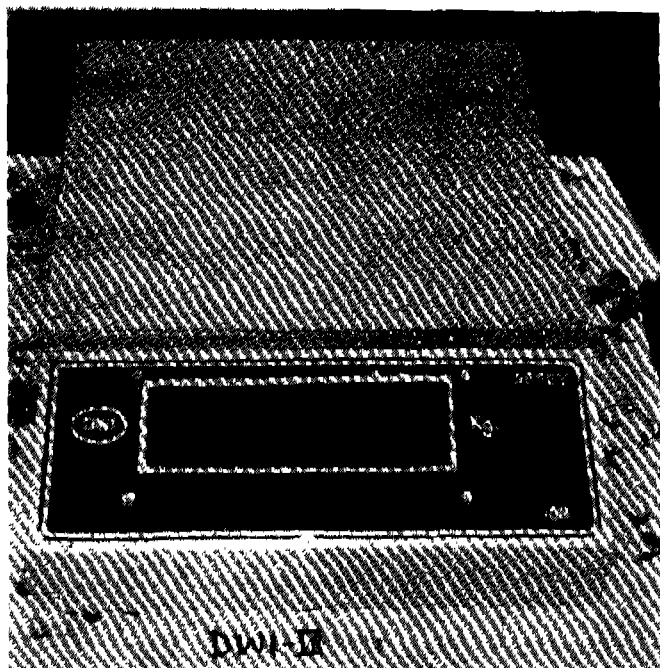
नई दिल्ली, 21 सितम्बर, 1998

**का. आ. 1946.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात् समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और संभावना यह है कि अविरत उपयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और परिवर्तित दशाओं में उपयुक्त सेवा देता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, खर्ग 3 यथार्थता (मध्यम यथार्थता) की "डी डब्ल्यू आई-11" टाईप के स्वउपदर्शित गैर-स्वचालित इलेक्ट्रॉनिक तुला चौकी मशीन के माडल का जिसका ब्रांड नाम "डी डब्ल्यू आई" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसका विनिर्माण मैसर्स डबल वेइंग इन्स्ट्रुमेंट्स वर्क्स, वसंत विहार, जोरा पाठक रोड, धनबाद-826001 (बिहार) द्वारा किया गया है और जिसे अनुमोदन चिह्न आई. एन. डी./09/98/31 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त माडल (मध्यम यथार्थता) यथार्थता खर्ग 3 तुला यंत्र है जिसकी अधिकतम क्षमता 100 कि.ग्रा. और न्यूनतम क्षमता 400 ग्राम है। सत्यापन मापमान अन्तराल (ई) 20 ग्राम। उद्भार ग्राही आयताकार है जिसकी भुजाएं 500×600 मिली मीटर है। द्रव्य स्फटिक संप्रदर्शन तुलन परिणाम उपदर्शित करता है। यंत्र 230 वोल्ट और 50 वोल्ट हर्ट्ज आवृत्ति पर प्रत्यावर्ती धारा विद्युत प्रदाय कार्य करती है :

### आकृति



इसके अतिरिक्त केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषित करती है कि उक्त माडल के अनुमोदन प्रमाण पत्र के अंतर्गत इसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और सामग्री जिससे अनुमोदित माडल का विनिर्माण किया गया है, के अनुसार विनिर्मित इसी श्रृंखला के समरूप मेक, क्षमता और निष्पादन वाले 10,000 से कम या उसके समान ( $\leq 10,000$ ) और 1, 2, 5 श्रृंखला के "ई" मुख्य के साथ अधिकतम क्षमता वाले तुलन यंत्र भी हैं।

[फा. सं. डब्ल्यू एम 21 (14)/96]

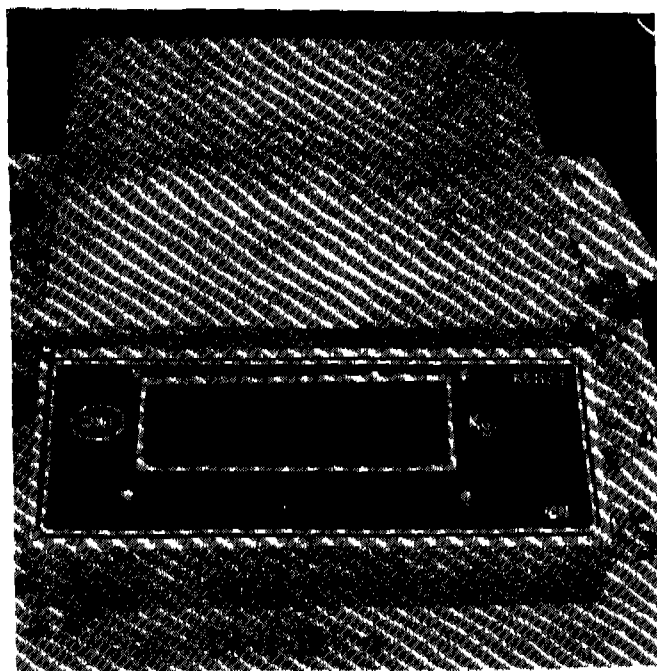
राजीव श्रीवास्तव, अपर सचिव

New Delhi, the 21st September, 1998

**S.O. 1946.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weight and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic, electronic platform weighing machine of Type "DWI-II" series of class III accuracy (medium accuracy) with brand name "DWI" (hereinafter referred to as the Model) manufactured by M/s Dadwal Weighing Instruments Works, Vasant Vihar, Jorapathak Road, Dhanbad-826001 (Bihar), and which is assigned the approval mark IND/09/98/31;

The said Model is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 100 kg and minimum capacity of 400 g. The verification scale interval (e) is 20 g. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of rectangular section of side 500 × 600 millimetre. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply :



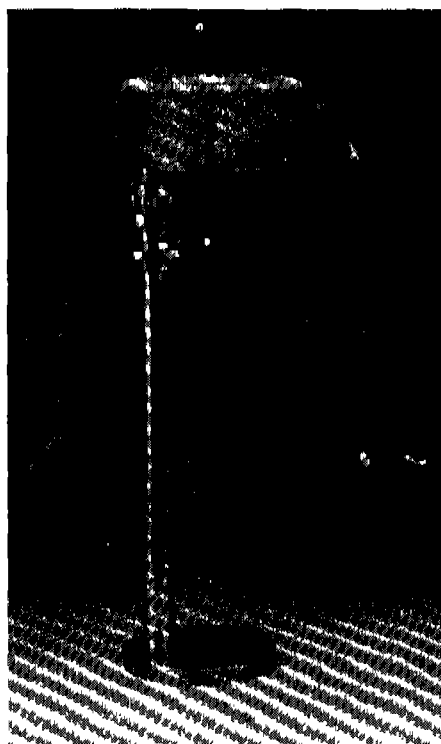
Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum number of verification scale interval (n) less than or equal to 10,000 ( $n \leq 10,000$ ) and with 'e' value of 1, 2, 5 series manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[File No. WM 21 (14)/96]  
RAJIV SRIVASTAVA, Addl. Secy.

नई दिल्ली, 24 सितम्बर, 1998

**का. आ. 1947.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात् समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और संभावना यह है कि अविरत उपयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और परिवर्तित दशाओं में उपयुक्त सेवा देता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 873 शृंखला के स्थिर भण्डागार टंकी में तरल स्तर के माप के लिए नियत आटोमेटिक लेबल गाज के माडल (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसका व्यापारिक नाम “इ एन आर ए एफ” है जिसका विनिर्माण मैसर्स एन राफ बी वी रोन्ट गैनवेज, 1, डेम्फट, नीडरलैंड द्वारा किया गया है और भारत में विक्रय मैसर्स तोशनीवाल ब्रदर्स (बाम्बे) प्रा.लि., 15 महल इन्डस्ट्रियल एस्टेट, महाकाली केक्स रोड, चावला एम आई डी सी अन्धेरी, मुम्बई-400093 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई. एन. डी./13/98/7 समुनिदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है :



आकृति

इस माडल (आकृति देखें) ए एल जी 554 स्थिर भण्डागार टंकियों में, तरल स्तर का मापन करता है। इसमें लेबल अलार्म और डाइग्नोस्टिक भी दिये गए हैं। ए एल जी 854 तीन कक्षों से युक्त है—(i) इलैक्ट्रॉनिक कक्ष (ii) ड्रम कक्ष जिसमें मापक ड्रम है (iii) टर्मिनल कक्ष जिसमें टर्मिनल खंड है। इसके अतिरिक्त ए एल जी में तार द्वारा लटका हुआ डिस्प्लेस भी लगा है। इसकी संक्रिया का सिद्धांत स्तर में अंतरों द्वारा कारित डिस्प्लेस की बाओएन्सी में अंतरों का पता लगाने पर आधारित है।

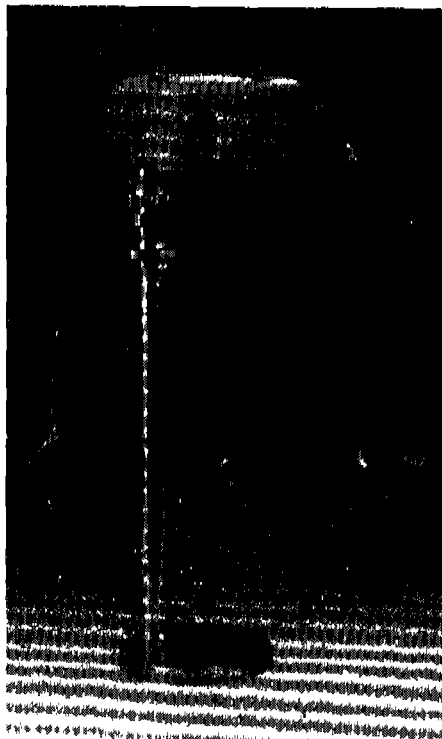
[फा. सं. डब्ल्यू एम 21 (85)/96]

राजीव श्रीवास्तव, अपर सचिव

New Delhi, the 24th September, 1998

**S.O. 1947.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weight and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the Automatic Level Gauges (ALG) destined for the measurement of liquid level in fixed storage tanks 873 series (hereinafter referred to as the Model) and with trade name "ENRAF" manufactured by M/s Toshniwal Brothers (Bombay) Private Ltd., 15 Mahal Indl. Estate, Mahakali Caves Road, Chakala MIDC, Andheri Mumbai-400093 and which is assigned the approval mark Ind/13/98/7:



The model (see figure) is Automatic Level Gauge, which measures liquid level in fixed storage tanks. Level alarms and diagnostic are also provided. The ALG 873 consists of two Parts, (i) the antenna units: varies types, typified as F/S, R 12, WALP, 20cm, or 25cm and (ii) the control unit. The principal of operation of this reflecto meter radar. This instrument works with a power supply of 220 volts at 50 Hertz, frequency.

[File No. WM 21 (85)/96]  
RAJIV SRIVASTAVA, Addl. Secy.

नई दिल्ली, 24 सितम्बर, 1998

**का. आ. 1948.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात् समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60 और बाट और माप मानक) (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और संभावना यह है कि अविरत उपयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और परिवर्तित दशाओं में उपयुक्त सेवा देता रहेगा,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए—854 शृंखला के स्थिर भण्डागार टंकी में तरल स्तर के माप के लिए नियत आटोमेटिक लेवल गाज 877 और 878 शृंखला प्रकार के रिमोट इन्डिकेटर से युक्त है के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसका व्यापारिक नाम "इ एन आर ए एफ" है जिसका विनिर्माण मैसर्स एन एफ बी वी रोन्ट गैनजेव, 1, डेम्फट, नीदरलैंड द्वारा किया गया है और भारत में विक्रय मैसर्स तोशनीवाल ब्रदर्स (बाम्बे) प्रा.लि., 15 महल इन्डस्ट्रियल एस्टेट, महाकाली केम्प रोड, चावला एम आई डी सी अन्धेरी, मुम्बई-400093 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई. एन. डी./13/98/8 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



आकृति

इस माडल (आकृति देखें) ए एल जी 554 स्थिर भण्डागार टंकियों में, तरल स्तर का मापन करता है। इसमें लेबल अलार्म और डाइग्नोस्टिक भी दिये गए हैं। ए एल जी 854 तीन कक्षों से युक्त है—(i) इलेक्ट्रॉनिक कक्ष (ii) ड्रगकक्ष जिसमें मापक ड्रम है (iii) टर्मिनल कक्ष जिसमें टर्मिनल खंड है। इसके अतिरिक्त ए एल जी में तार द्वारा लटका हुआ डिस्प्लेस भी लगा है। इसकी संक्रिया का सिद्धांत स्तर में अंतरों द्वारा कारित डिस्प्लेस की बाओएन्सी में अंतरों का पता लगाने पर आधारित है।

[फा. सं. डब्ल्यू. एम 21 (85)/96]

राजीव श्रीवास्तव, अपर सचिव

New Delhi, the 24th September, 1998

**S.O. 1948.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the Automatic Level Gauge (ALG) destined for the measurement of the level of liquid in fixed storage tanks of 854 series, supplied with a remote indicator type 877 and 878 series (hereinafter referred to as the Model) and with trade name "ENRAF" manufactured by M/s Enraf B. V. Rontgenweg, 1, Delft, Netherlands, and sold in India by M/s Toshniwal Brothers (Bombay) Private Ltd., 15 Mahal Indl. Estate, Mahakali Caves Road, Chakala MIDC, Andheri Mumbai-400093 and which is assigned the approval mark Ind/13/98/8:



Model

The model (see the figure) ALG 854 measures the liquid level in fixed storage tanks. Level alarms and diagnostics are also provided. ALG 854 consists of three compartments;— (i) the electronic compartment, (ii) the drum compartment, containing a measuring drum, (iii) the terminal compartment, containing the terminal block. Further the ALG is equipped with a displacer, suspended by a wire. The principal of operation is based upon the detection of variations in the bouyancy of a displacer caused by level variations.

This instrument works on a power supply of 220 volts at 50 Hertz frequency.

[File No. WM 21 (85)/96]  
RAJIV SRIVASTAVA, Addl. Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 26 सितम्बर, 1998

का.आ. 1949.— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 का 50 की धारा 2 के खण्ड 1 के अनुसरण में नीचे दी गई अनुसूची के स्तम्भ 1 में उल्लिखित व्यक्ति को उक्त अनुसूची के स्तम्भ 2 में की तत्स्थानी प्रविष्टि में विनिर्दिष्ट क्षेत्रों की बाबत, उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए प्राधिकृत करती है, अर्थात् :-

अनुसूची

प्राधिकारी का नाम और पता	अधिकारिता का क्षेत्र
§ 1 §	§ 2 §

श्री इन्दु घर,  
डिप्टी कलेक्टर,  
उत्तर प्रदेश राज्य,  
इंडियन ऑयल कॉर्पोरेशन लिमिटेड में प्रतिनियुक्ति पर  
भूमि अर्जन अधिकारी,  
मथुरा-जालन्धर पाइपलाइन की  
मथुरा-टुण्डला शाखा पाइपलाइन,  
65/2, संजय प्लेस,  
आगरा-282002  
§ उत्तर प्रदेश §

उत्तर प्रदेश राज्य

[सं. आर-31015/8/98-ओ.आर.-1]

के. सी. कटोच, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS  
New Delhi, the 26th September, 1998

S.O. 1949.—In pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, (50 of 1962), the Central Government hereby authorises the person mentioned in column (1) of the Schedule given below to perform the functions of the competent authority under the said Act, in respect of the areas mentioned in the corresponding entry in column (2) of the said Schedule :

**Schedule**

Name and address of the authority (1)	Area of jurisdiction (2)
<b>Shri Indu Dhar,</b> <b>Deputy Collector,</b> <b>State of Uttar Pradesh,</b> <b>Land Acquisition Officer on</b> <b>deputation to Indian Oil</b> <b>Corporation Limited,</b> <b>Mathura-Tundla Branch Pipeline of</b> <b>Mathura-Jalandhar Pipeline,</b> <b>65/2, Sanjay Place,</b> <b>Agra - 282002.</b> <b>(Uttar Pradesh)</b>	<b>State of Uttar Pradesh</b>

[File No. K-3015/8/98-OR-II]  
K. C. KATOCH, Under Secy

सूचना

नई दिल्ली, 30 सितम्बर, 1998

का.आ. 1950.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पदार्थों (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तों का प्रयोग करते हुए, भारत के गजपत्र, भाग-2, खण्ड-3, उपखण्ड (II) में भारत सरकार के पेट्रोलियम और खनिज मंत्रालय की अधिसूचना का.आ.1692 तारीख 29 अगस्त, 1998 में जिला जामनगर तालुका जामनगर से संबंधित प्रकाशित अधिसूचना सं.का.आ. 1095 तारीख 27 मार्च, 1997 में निम्नलिखित संशोधन करती है, अर्थात् :-

उक्त अधिसूचना के पृष्ठ 3235 पर, स्तंभ (1) में, गांव लाशावावल में, स्तंभ (2) में-

- (i) "सर्वेक्षण सं. 131 पेंकी सार्वजनिक हेतु-  
प्लॉट 45 की दक्षिण दिशामें रोड की दक्षिण दिशामें स्थित" के सामने स्तंभ 4 में अंक "00" के स्थान पर अंक "02" रखे जाएंगे; और
- (ii) "सर्वेक्षण सं. 142 सार्वजनिक हेतु -  
प्लॉट 1, 12, 13, 24, 25, 36 की दक्षिण दिशामें रोड की दक्षिण दिशामें स्थित" के सामने स्तंभ (5) में अंक "04" के स्थान पर अंक "84" रखे जाएंगे।

नई दिल्ली, 30 सितम्बर, 1998

का.आ. 1951.— केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइप-लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 1577 तारीख 2 जून 1997, का. आ. 1456 तारीख 14 जुलाई 1998, द्वारा पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में बिनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को क्रमशः 21 जून, 1997 और 25 जुलाई, 1998 को उपलब्ध करा दी गई थी;

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में बिनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए ;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से संलग्न अनुसूची में बिनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित करने की घोषणा करती है;

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार, केन्द्रीय सरकार में निहित होने की बजाए सभी विंलिंगमों से मुक्त होकर भारत ओमान रिफाईनरीज़ लिमिटेड में निहित होगा।

## अनुसूची

						राज्य: गुजरात		
जिला का नाम	तालुका का नाम	धारा 3 की उप धारा (1) के अधीन जारी की गई अधिसूचना का अनुसंधान	गांव का नाम	सर्वेक्षण सं./ खंड सं.	क्षेत्र			
		का. आ. सं.	राजपत्र की तारीख			हेक्टर	आरे	सेन्टीआरे
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
सुरेन्द्रनगर	बढ़ बाण	1456	25.07.98	बलदाना	826	0	12	38
					746/2	0	05	85
	लींबडी			अंकेवालीया	314/1	0	07	14
					314/2	0	00	30
					239	0	05	34
				भलगामडा	278 पैकी	0	08	03

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
				टोकराला	89/1	0	18	00
					91/1	0	01	82
					65/1	0	41	18
					78/2	0	12	42
				जालमपुर	667/1	0	63	01
					666/2	0	52	86
					667/2	0	13	72
					667/3	0	27	27
	मुली			उमरडा	661/17	0	23	21
		1577	21.06.97		418 पैकी	0	36	00
					417 पैकी	0	20	30
	चोटीला	1456	25.07.98	धानगढ	208 पैकी	0	42	25
अहमदावाद	बावला			बगोदरा	35/6	0	18	67
					35/8	0	46	18
					35/11	0	30	70
	धोलका			कोठ	1091	0	00	46
				सीमेज	646/ए	0	99	25
खेडा	मातर			नधनपुर	154 बी	0	04	25
				खरेंटी	886	0	06	04
				ब्रान्जा	82	0	04	00
				कथोडा	197	0	03	00
				हेरन्ज	567	0	04	27
				खांधली	12	0	07	40
					322	0	04	81
					354	0	14	56
					361	0	03	69
					335	0	01	75
				लावल	876/1	0	39	60
				मलियातज	59	0	02	08

[फा. सं. आर-31015/38/98-ओ आर. II]

के. सी. कटोच, अवर सचिव

New Delhi, the 30th September, 1998

**S.O. 1951.**— Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, No. S. O. 1577, dated the 2nd June 1997, S. O. 1456, dated the 14th July 1998, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum,

And whereas, the copies of the said gazette notification were made available to the public on the 21st June, 1997 and 25th July, 1998 respectively;

And whereas, the Competent authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired,

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification are hereby acquired;

And further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, free from all encumbrances, in the Bharat Oman Refineries Limited;

#### Schedule

State : Gujarat

Name of District	Name of Taluka	Reference to publication of Notification U/S 3(I)		Name of Village	Survey No./ Block No.	Area		
		S.O. No.	Date of Gazette			Hectare	Are	Centare
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Surendranagar	Wadhwan	1456	25.07.98	Baldana	826	0	12	38
					746/2	0	05	85
	Limbdia			Ankewalia	314/1	0	07	14
					314/2	0	00	30
					239	0	05	34
					Bhalgamda	278 Paiki	0	08

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
				Tokrala	89/1	0	18	00
					91/1	0	01	82
					65/1	0	41	18
					78/2	0	12	42
				Jalampur	667/1	0	63	01
					666/2	0	52	86
					667/2	0	13	72
					667/3	0	27	27
	Muli			Umarda	661/17	0	23	21
		1577	21.06.97		418 Paiki	0	36	00
					417 Paiki	0	20	30
	Chotila	1456	25.07.98	Thangadh	208 Paiki	0	42	25
Ahmedabad	Bavla			Bagodara	35/6	0	18	67
					35/8	0	46	18
					35/11	0	30	70
	Dholka			Koth	1091	0	00	46
				Simej	646/A	0	99	25
Kheda	Matar			Nadhanpur	154 B	0	04	25
				Kharenti	886	0	06	04
				Tranja	82	0	04	00
				Kathoda	197	0	03	00
				Heranj	567	0	04	27
				Khandhali	12	0	07	40
					322	0	04	81
					354	0	14	56
					361	0	03	69
					335	0	01	75
				Lawal	876/1	0	39	60
				Maliyataj	59	0	02	08

नई दिल्ली, 1 सितम्बर, 1998

का.अ. 1952.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्थ मालाबार, ग्रामीण बैंक के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में लेबर कोर्ट कोझिकोड केरला स्टेट के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-8-98 को प्राप्त हुआ था।

[संख्या एल.-12012/119/97-आई.आर. (बी. I)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 1st September, 1998

S.O. 1952.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Labour Court, Kozhikode Kerala State as shown in the Annexure, in the industrial dispute between the employers in relation to the management of North Malabar Gramin Bank and their workman, which was received by the Central Government on 31-8-1998.

[No. 12012/119/97-IR(B.I.)]

P. J. M ICHAEAL, Desk Officer.

#### ANNEXURE

#### IN THE LABOUR COURT, KOZHIKODI KERALA STATE

Dated this the 20th day of July, 1998

#### PRESENT:

Shri P. O. Barkath Ali B.Sc., LL.B., Presiding  
Officer.

I.D. (C) 1/98

#### BETWEEN

The Chairman,  
North Malabar Gramin Bank,  
Kannur-I.

MANAGEMENT

#### AND

The General Secretary,  
North Malabar Gramin Bank  
Employees Association,  
Room No. 18, Hajee Buildings,  
Fort Road, Kannur-I.

UNION.

#### REPRESENTATIONS:

Sri M. Asokan, Advocate,  
Kozhikode

For Management.

#### AWARD

This is an industrial dispute between the management of North Malabar Gramin Bank, Kerala and its workman Sri K. M. Mathew represented by the General Secretary, North Malabar Gramin Bank Employees Association.

Association, Kannur regarding the validity of the dismissal of the workman from service by the management which is referred for adjudication to this court by Order No. L-12012/119/97-IR(B.I) dated February 3, 1998 of Ministry of Labour, Government of India.

2. In pursuance of the notices issued, though management entered appearance which remained absent and is therefore set ex-parte which shows that union is not interested in prosecuting the case further. Therefore an award has to be passed rejecting the claim of the union.

3. In the result, an award is passed rejecting the claim of the union.

Dictated to the Confidential Assistant, transcribed by him, revised corrected and passed by me on the 20th day of July, 1998.

P. A BARKATH ALI, Presiding Officer

नई दिल्ली, 11 सितम्बर, 1998

का.अ. 1953.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-9-98 को प्राप्त हुआ था।

[सं. एल.-12012/313/89-आई आर (बी-II) डी-2(ए)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 11th September, 1998

S.O. 1953.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 10-9-98.

[No. L-12012/313/89-IR(B-II)/DII(A)]

C. GANGADHARAN, Desk Officer

#### ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING  
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL, NEW DELHI

I.D. No. 51/91

In the matter of dispute between :

Shri Vinin Kumar Sharma,  
S/o Shri Om Prakash Sharma  
13, Patel Nagar,  
New Mandi,  
Muzaffarnagar-251001.

## Versus

The Regional Manager,  
Punjab National Bank,  
New Mandi,  
Muzaffarnagar-251001.

## APPEARANCES :

None for the workman.  
Shri D. V. Gautam, Asstt. Manager (P) for the Management.

## AWARD

This reference was originally entrusted to the C.G.I.T., Kanpur vide order No. L-12012/313/89-D.II(A) dated 2-1-90 but the same was received by transfer vide order dated 24-1-91. The terms of reference are as follows :

"Whether the action of the management of Punjab National Bank in terminating the services of Shri Vipin Kumar Sharma is justified? If not, to what relief the workman concerned is entitled?"

2. The workman in his statement of claim alleged that he was appointed substantively on a permanent sanctioned post as Peon vide appointment letter No. 188 dated 29-1-1988 on probation for six months. He joined the services on 10-2-88 after completing all formalities but his services were terminated on 20-5-88 on the ground that his name does not appear in the list of selected candidates and the letter of appointment was issued to him through oversight.

3. The Management filed written statement and examined Shri Sohan Lal, Officer in support of its evidence.

4. The workman did not produce any evidence nor appeared himself and was ordered to be proceeded against ex-parte on 8-12-97.

5. I have heard representative for the Management and have gone through the record.

6. It has been alleged by the management that the management has asked for filling 10 posts of subordinate cadre from the Employment Exchange and they forwarded names of 49 persons to the Management. The workman was also shown at Sl. No. 4 but his name was not approved by the interview committee. Inadvertently a letter of appointment was issued to him instead of Shiv Kumar, a right candidate, though he was not eligible according to the approved list by the interview committee.

7. In order to rectify the said order the services of the workman Vipin Kumar were dispensed with vide order dated 20-5-88 and paid him one months salary in lieu of this period as he was on probation during the said period. The letter of appointment was issued to Shiv Kumar who had been selected by the interview committee. The Management has thus urged that the workman Vipin Kumar was not duly selected candidate and he was on probation and during probation he was paid one month salary while his services were dispensed with by the Management. There was no illegality committed by the Management in this regard.

8. After going through the points urged by the Management and the fact that the workman has not produced any evidence and has been proceeded ex-parte. I hold that the action of the management was fully justified. There was no ground to interfere with this order. Parties shall bear their own costs.

8th September, 1998.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 11 सितम्बर, 1998

का.आ. 1951.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ोदा के प्रबंधसंघ के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में श्रम न्यायालय पुणे के पंचाट को प्रकाशित

करती है, जो केन्द्रीय सरकार को 10-9-98 को प्राप्त हुआ था।

[सं. एल-12012/191/97-आई.आर. (बी.-II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 11th September, 1998

S.O. 1954.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Labour Court, Pune as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 10-9-98.

[No. L-12012/191/97-IR(B-II)]

C. GANGADHARAN, Desk Officer

## ANNEXURE

BEFORE SMT. A. V. PALSULE, PRESIDING OFFICER,  
THIRD LABOUR COURT, PUNE.

Ref. (IDA) No. 41/1998

Shri Balu Gunaji Hatkar,  
C/o Olympic House, 157,  
Bombay-Pune Road, Pimpri,  
Pune-18.

(Workman)  
... Second Party.

## AND

Asstt. General Manager,  
Bank of Baroda, 11/1, Khilare Path,

(Employer)

Erandwane, Pune.

... First Party.

## AWARD

1. The Desk Officer, Government of India, Ministry of Labour, New Delhi has referred this reference under Clause (d) of Sub-section (1) and Sub-section 2(a) of Section 10 of the I.D. Act for adjudication of the dispute between (1) Shri Balu Gunaji Hatkar and (2) Bank of Baroda, over the following demands :—

"Whether the action of the management of Bank of Baroda in terminating the service of Shri Balu Gunaji Hatkar on account of certain fraudulent acts without holding enquiry and without providing any opportunity to be heard is legal and justified? If not, to what relief the said workman is entitled?"

2. No statement of claim filed till today. Therefore, the reference is disposed of for want of statement of claim. No order as to costs.

Pune.

Dated, 29-08-1998.

SMT. A. V. PALSULE, Presiding Officer

नई दिल्ली, 11 सितम्बर, 1998

का.आ. 1955.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधसंघ के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-9-98 को प्राप्त हुआ था।

[सं. एल-12012/9/92-आई.आर. (बी.-II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 11th September, 1998

New Delhi, the 17th September, 1998

S.O. 1955.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 10-9-98.

[No. L-12012/9/92-IR(B-II)]  
C. GANGADHARAN, Desk Officer

## ANNEXURE

BEFORE SHI GANPATI SHARMA, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,  
NEW DELHI

I.D. No. 55/92

In the matter of dispute between :  
Shri N. M. Jain through  
General Secretary,  
Punjab National Bank Employees Union,  
710, Ballimaran, Chandni Chowk,  
Delhi-110006.

Versus

Zonal Manager,  
Punjab National Bank,  
F-14, Competent House,  
Connaught Place,  
New Delhi-110001.

## APPEARANCES :

Representative for the Workman.  
Mrs. Renu Sharma for the Management.

## AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/09/92-R.B-2 dated 34-6-92 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the action of the management of Punjab National Bank in dismissing from service Shri N. M. Jain, Clerk/Cashier, in their Parliament Street, New Delhi Branch, w.e.f. 27-1-90 is just and legal? If not, to what relief is the workman entitled?"

2. Parties representatives have made statements today. In view of the above statements of the representatives for parties the management shall make payment to the workman legal heirs within a period of three months after making deductions of the amounts due from him. If the payment is not made within three months management shall pay interest at 12 per cent per annum. No other dispute exists between the parties and the reference is answered accordingly.

7th September, 1998.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1998

का.घा. 1956.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ इंडीया के प्रबंधन के संबंध निर्योजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-9-98 को प्राप्त हुआ था।

[मं. एल.—12012/20/78-डी-II(ए)आईआर(बी-II)]  
सी. गंगाधरन, डेस्क अधिकारी

S.O. 1956.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 16-9-98.

[No. L-12012/20/78-D.II(A)-IR(B.II)]  
C. GANGADHARAN, Desk Officer

## ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER,  
CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM  
LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 11 of 1996

In the matter of dispute between :

Joint Secretary,  
All India Bank of Baroda Federation  
Birhana Road Kanpur.

AND

Regional Manager Bank of Baroda  
Zonal Office 45 Hazratgani  
Lucknow

## AWARD

1. Central Government, Ministry of Labour, vide notification No. L-12012/20/78-D.II-A dated 12-1-1996 has referred the following dispute for adjudication to this Tribunal—

"Whether the action of the management of Bank of Baroda in terminating the services of Sri Bhagwati Pd. is legal and justified? If not to what relief is the said workman is entitled?"

2. There is no dispute that the concerned workman Bhagwati Prasad was working as chowkidar w.e.f. 1-6-92 with the opposite party Bank of Baroda at Fatehpur Branch. He was prosecuted for an offence under section 325 I.P.C. and was convicted and sentenced for six months RI. This judgment and order was finally upheld by the highest court. After undergoing the sentence the concerned workman applied for reinstatement. The management instead of allowing him reinstatement chosen to terminate his services by impugned order dated 19-7-74. Feeling aggrieved the concerned workman has raised the instant industrial dispute.

3. In the claim statement the grounds for challenging the dismissal have not been given. Simple reference have been made the facts of the case. Any how from the rulings referred by the authorised representative of the concerned workman it emerges out that the challenge against the dismissal is two fold. Firstly the conviction under section 325 I.P.C. does not amount to moral turpitude. In the second place it is submitted that it is because of without holding of domestic enquiry he could not be removed from service.

4. The opposite party has filed reply in which right of dismissal has been reiterated by virtue of provision of para 19.5 of first bipartite settlement.

5. In the rejoinder nothing has been alleged.

6. Both the parties have adduced oral evidence but that is of no consequence as the claim is based on legal plane.

7. As regards the delay it may be mentioned that the concerned workman has been agitating the right from 1978. Ultimately writ petition no. 10312 of 1987 was filed by the concerned workman for seeking reference which was allowed by judgment and order dated 12-9-95 and on the basis of this order of Hon'ble High Court this reference has been made. The delay has been explained.

8. Now the first contention may be considered. It is to be seen of the conviction under sec 325 IPC involves moral turpitude. Before referring to the authority it will be relevant to refer para 19.2 and 19.3 of 1st, Bipartite Settlement, the

substance of which is that when an award staff is convicted to an offence involving moral turpitude such workman can be dismissed from the service without holding any enquiry. The management has exercised powers under this provision for passing dismissal order against the workman. The authorised representative of the concerned workman has referred to the case employers State Bank versus its workmen 1966(13) FLR 139. In this case an award staff was convicted under section 323 IPC audit was found to be not amounting moral turpitude. For arriving at this conclusion reference was also made to section 323 IPC. It will be relevant to quote the following observation :

"But even an offence of causing grievance hurt under sec. 325 IPC while it may make the offence liable to a heavy sentence of imprisonment may not be in the circumstances of a particular case involve moral turpitude. For instance a person may be convicted of grievous hurt by exceeding right of private defence and yet the offence would hardly involve moral turpitude."

From the above it will be evident that the Hon'ble High Court had not absolutely ruled that a conviction under section 325 I.P.C. does not involve moral turpitude. Instead will be considered from the facts and circumstances under which offence committed. Further for example if a convicted person had exceeded the right of private defence it will not amount to moral turpitude. In other words the material point is as to who was the aggressor in such incident. If the convicted person is aggressor it will involve moral turpitude. If such person was the victim of aggression and had exceeded the right of private defence it will not involve moral turpitude.

9. In the instant case it was for the workman to have proved that he was the victim of aggressor for this filing of copy of judgement of criminal court was necessary but the same has not been filed. In its absence it cannot be determined as to whether the concerned workman was the victim of aggression or not. In its absence the concerned workman cannot be given benefit of this observation. Accordingly I am unable to come to the conclusion that conviction under section 325 I.P.C. of the concerned workman did not involve moral turpitude. Hence this point is decided against the concerned workman.

10. In the second place reference was made to the case of G. R. Sirwai versus B C & Company Limited 1988 (SC) FLR 655. In this case it was held that even in the case of conviction without holding of domestic enquiry, the dismissal in terms of certified standing order was not justified. In the instant case this ruling will not apply as the concerned workman is governed by first Bipartite Settlement under which the management has been given option to dismiss without holding of enquiry if the workman is convicted for offence involving moral turpitude.

11. Thus in view of this specific terms of settlement this ruling will not help to the concerned workman. No other point arises for consideration.

11. As a result of above, discussion, my answer to the reference is that the management was justified in dismissing the concerned workman from service in exercise of powers of para 19.2 and 19.3 of Bipartite Settlement. Consequently, the concerned workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1998

क्रा.सं. 1957.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यू इंडिया एश्योरेस कं.लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-9-98 को प्राप्त हुआ था।

[सं.एल-12012/26/88-आई.आर.बी.-II/डी-1(बी)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 17th September, 1998

S.O. 1957.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of New India Assurance Co. Ltd. and their workman, which was received by the Central Government on 16-9-1998.

[No. L-12012/26/88 IR(B-II)/D.I.(B)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 27/89

In the matter of dispute between

Shri G.L. Pahwa, Inspector,  
r/o 2J/132, N.I.T.  
Faridabad.

Versus

The Deputy Manager,  
Regional Office,  
The New India Assurance Co. Ltd.,  
6, Gulab Bhawan, Bahadur Shah Zafar Marg,  
New Delhi-1.

APPEARANCES :

Shri Kulohushan for the workman.  
None for the Management

AWARD

The Central Government in the Ministry of Labour vide its Order No L-12012/26/88-D.I.(B) dated 28-2-89 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the action of the management of New India Assurance Co. Ltd., in dismissing the services of Shri G.L. Pahwa, Inspector w.e.f. 21-12-81 is fair justified & legal ? If not, what relief the worker concerned is entitled to ?"

2. The workman in his statement of claim has alleged that he was appointed as Trainee Inspector on 1-4-1971 in Anand Insurance Company Limited, New Delhi and was posted at Faridabad. This company got merged with New India Assurance Co. on 1-1-73 and the workman was taken over as Inspector Gr. 1 by the New Company. He worked honestly and had unblemished record of service. He in fact established very good reputation amongst Industrialists, Serving Officers and other important clients in the area. The business of the company increased many folds due to his special efforts during the period of his employment. However, other officials of the management did not like the workman because of his illiterate and they felt humiliated every time. A conspiracy was hatched against the workman and he was pressurised and forced to write that letter on 18-6-1980. He, however, refuted the said letter next date i.e. on 19-6-80. On 21-6-80 the Area Manager suspended him on ground of detection of serious irregularities and served him with a charge sheet dated 3rd June, 80 which was replied by him on 7-8-80. He denied

all allegations made in the charge sheet. The Enquiry Officer was, however, appointed by the management and the Enquiry Officer did not supply him copies of the proceedings of enquiry and the proceedings of the enquiry were not served from the applicant on the next date and not on the same date. The workman asked for production of some documents from the management which they never produced. The enquiry was a mere formality on the part of the management. Charges were not proved against him but he was still held guilty by the enquiry officer who did not purposely supply the copy of the report on completion of the enquiry. The workman was not given reasonable opportunity and the management terminated his services and even the Appellate Authority rejected his appeal without going on merit in a routine manner. He has come to this Tribunal challenging his dismissal and has prayed that he may be reinstated with full back wages and continuity of service.

3. The Management on the other hand has urged that the claimant Shri G. L. Pahwa was an Inspector with the Management which was equivalent to a Development Officer and he was not a workman. This court has no jurisdiction to entertain and try the present reference only on the ground that the claimant was not covered by the provisions of the Industrial Disputes Act as he was not a workman as defined in Section 2(S) of the I.D. Act. On merits, the management denied the allegations of the workman claimed regarding the enquiry being fair and proper and has alleged that full opportunity was given to the workman for contesting his case before the Enquiry Officer, the charges against the workman were fully proved and the enquiry officer came to his conclusion which was accepted by the Disciplinary Authority and he was dismissed from service on that basis. There was no ground to interfere with the order of dismissal passed by the Competent Authority.

4. The workman appeared himself as WW1 in support of his case but the management did not produce any evidence.

5. I have heard representatives for the parties and have gone through the record.

6. The most important point urged by both the parties before this Tribunal was as to whether the claimant was a workman as defined under section 2(S) of the I.D. Act or not. The claimant in his statement of claim has alleged that he was an inspector. The Inspector being an Insurance Company is equivalent to the Development Officer as admitted by both the representatives for the parties. The claimant in his statement of claim has not given any ground making him a workman except describing him as such the fact of his being a workman was denied in written statement by the management and in his rejoinder the claimant again did not give any reason of his defining himself as a workman in the whole case. In fact in his rejoinder he has only explained that the Hon'ble Supreme Court in Shri S.K. Verma Vs. Mahesh Chandra 1983 Lab. I.C. 1483 (1485) S.C. has held that a Development Officer a Life Insurance Corporation was a workman. He has also admitted that the post of Development Officer was equivalent to that of Inspector in New India Insurance Company where a principle duty was to organise and develop business of the company within the area allotted by the company.

7. The sole point now rests on the conclusion regarding the claimant being a workman or otherwise. The Management has brought to my notice the case decided by the Hon'ble Supreme Court of India in H. R. Adyanthaya etc. etc. V. Sandoz (India) Limited etc. etc. in which it was held that the Development Officer working in the L.I.C. was not a workman. The said case has also been cited by the workman in his rejoinder to the written arguments of the management and The Hon'ble Supreme Court had observed as follows :—

"Further no finding is given by the Court whether the Development Officer was doing clerical or technical work. He was admittedly not doing manual work. We may, therefore, to treat this decision as per incuriam."

It has now been finally settled that a Development Officer of the L.I.C. was not a workman as even the workman in his rejoinder stated that his duties were to procure business for the management and to organise and develop the business within the allotted area. He has nowhere alleged that he was performing the duties which a workman who comes under the definition under section 2(S) of the I.D. Act was performing. His main reliance was on the case S. K. Verma earlier decided by the Hon'ble Supreme Court but later on the Hon'ble Supreme Court has taken different view of the matter. I am, therefore, of the opinion that the claimant G. L. Pahwa was not a workman as defined under section 2(S) of the I.D. Act and, therefore, a reference by the Government under section 10 of the I.D. Act was not maintainable regarding the action of the Management against him. It would be futile exercise to go on the merits of the case and I hold that the present reference was not maintainable and this Tribunal had no jurisdiction to decide the same. The reference is answered accordingly. Parties are, however, left to bear their own costs of this dispute in the circumstances of this case.

14th September, 1998.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1998

का.प्र. 1958.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-9-98 को प्राप्त हुआ था।

[सं एल-12012/40/96-आई.प्रार. (बी-II)]

मी. गंगाधरण, डेस्क अधिकारी

New Delhi, the 17th September, 1998

S.O 1958.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workman, which was received by the Central Government on 16-9-1998.

[No. L-12012/40/96-IR(B-II)]

C. GANGADHARAN, Desk Officer

# ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 78 of 1997  
In the matter of dispute between :

Harmangal Prasad, Secretary, U.P. Bank Employees Union, 36/1 Kailash Mandir Kanpur.

And

Zonal Manager, UCO Bank, 23, Vidhan Sabha Marg, Lucknow.

## AWARD

1. Central Government, Ministry of Labour, vide notification No. L-12012/40/96-IR (B-2), dated 3/12-5-97, has referred the following dispute for adjudication to this Tribunal--

"Whether the action of the management of UCO Bank in not making the payment of salary to Sh. P. K. Shukla clerk for the period 1-11-91 to 29-9-92 is legal & justified? If not to what relief the said workman is entitled?"

2. There is no dispute that the concerned workman P. K. Shukla was posted as clerk in Palari Branch in district Raipur of the opposit party UCO Bank. He is resident of Kanpur. He had been making frantic efforts for transfer to Kanpur which did not materialise. However, by order dated 31-10-91, he was transferred to Kanpur from Palari branch in pursuance of this order he came to join at Kanpur but he was not allowed to join because of non-availability of post. He was asked to go back at Palari branch. He did not comply with this direction and he continued to agitate his demand with the help of Union till he was finally posted at Lucknow Zone on 30-9-92.

4. The case of the concerned workman is that he was transferred and as he handed over at Palari Branch he could not be sent back to Palari and he was entitled for posting at Kanpur as 12 vacancies were lying vacant. It was with the efforts of the Union that he could join at Lucknow. As the absence from 1-11-91 to 29-9-92 was not due to his fault he is entitled for wages for this period.

4. The opposite party has contested the claim by filing reply in which it is stated that he was asked to go to Palari, he ought to have done.

5. In support of his case the concerned workman has adduced his evidence as P. K. Shukla W. W. 1 besides he has filed papers. The management has not adduced any evidence instead it has relied upon Ext. M-1 the letter dated 2-11-91 by which the concerned workman was asked to go to Palari and was not allowed to join at Kanpur.

6. In the rejoinder nothing new has been said.

7. No copy of transfer policy has been placed before me. Further no provisions have been shown to me which may warrant that once having been relieved on the basis of transfer, such a workman could not be forced to go back and would get right to join at the place where he was originally transferred. In the absence of specific provisions, common law of the land will apply. According to such law it is within the power of the management not to give effect to transfer order even if the transferred workman had been relieved on the basis of transfer. At the most in such a case he will be entitled for T.A. for to and from. When the concerned workman P. K. Shukla in his cross examination was cross examined as to why he did not go to Palari on the basis of letter dated 2-11-91 Ext. M-1 his reply was that he had come to Kanpur with bag and baggage alongwith family. He did not go to

Palari. I think this is not satisfactory explanation. When the concerned workman did not go back to Palari in compliance of the order of the court his absence from 1-11-91 to 29-12-92 will be deemed to be unauthorised, hence the management was within its right to deny salary for this period. Accordingly my award is the denial of wages for the above period is justified and consequently the concerned workman will not be entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

Dated 1-9-98.

नई दिल्ली, 17 सितम्बर, 1998

का.अ. 1959. -- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधक के संवत् नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-9-98 को प्राप्त हुआ था।

[नं. एन-12012/46/97-आई.आर.बी.-(II)].

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 17th September, 1998.

S.O 1959.--In pursuance of Section 17 of the Industrial Dispute Act 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 16-9-98.

[No. L-12012/46/97-IR(B-II)]

C. GANGADHARAN, Desk Officer

## ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT DEOKI PALACE ROAD, PANDU NAGAR,

KANPUR.

Industrial Dispute No. 32 of 1998  
In the matter of dispute between :

General Secretary, Allahabad Bank Staff Assn,  
40/26-A North Malka, Allahabad.

And

Regional Manager & Admn. Officer, Allahabad Bank, Regional Office, Sitapur.

## AWARD

1. Central Government Ministry of Labour New Delhi, vide its Notification No. L-12012/46/97 IR

(B-II) dated 22-4-98 has referred the following Dispute for adjudication to this Tribunal :

Whether the action of the management of Allahabad Bank in imposing punishment of stoppage of two increments upon Sh. Hardyal Pd. Verma is legal and justified ? If not, to what relief the said workman is entitled ?

2. It is unnecessary to give the details of the case as after sufficient opportunity the concerned workman has not file the claim statement. Hence the reference is answered against the workman for want of prosecution and proof and he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1998

का.आ. 1960. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र, के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-2, मुम्बई के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 16-9-98 को प्राप्त हुआ था।

[सं. एल-12012/112/81-आई(आर बी-II)/डी-II(ए)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 17th September, 1998

S.O. 1959.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-II, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workman, which was received by the Central Government on 16-9-98.

[No. L-12012/112/81-IR(B-II)[DII(A)]

C. GANGADHARAN, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. II  
MUMBAI

PRESENT.

Shri S. B. Panse, Presiding Officer,  
Reference No. CGIT-2/8 of 1992  
Employers in relation to the management of Bank  
of Maharashtra.

AND

Their Workmen

#### APPEARANCES:

For the Employer—Shri R. G. Londhe Representative.

For the Workmen—Shri M. S. Udeshi Advocate.  
Mumbai, dated the 27th August, 1998

#### AWARD—PART-II

On 20-8-96 by Part-I award I came to the conclusion that the inquiry which was held against the workman was against the Principles of Natural Justice and the findings of the inquiry officer are perverse. The management was allowed to lead evidence to substantiate its action.

2 Now the issues that fall for my consideration and my findings there on are as follows:

Issues	Findings
3. Whether the action of the management of Bank of Maharashtra in dismissing Shri A. G. Sinkar from the services of the Bank is justified ?	Justified.
4. If not, what relief the workman is entitled to?	Does not survive
5. What Award ?	As per order.

#### REASONS

3. In nutshell the facts giving rise to the present Industrial Dispute are that Sinkar the workman was working as a Special Assistant in 1977-78 at Bank of Maharashtra, Somwarpet, Pune. There were complaints against him. He was called upon to give his explanation to it. He asked for certain documents to reply it. The bank did not comply. On 30-5-78 the workman was chargesheeted.

4. The chargesheet (Ex. 22,1) was that the workman had made fictitious credit entries as also debit entries in the accounts. The details of which are given in paragraph 1 to 14 of the chargesheet. It is there after observed that these acts amounts to gross misconduct in paragraph-19.5 of the Bipartite settlement being acts prejudicial to the interest of the bank. They also amounts to minor misconducts under para 19.7 (1) of the Bipartite settlement. It is further observed that those acts are independently and severely acts subversive of discipline and therefore prejudicial to the interests of the bank and thus a gross misconduct under paragraph-19.5(j) of the Bipartite Settlement. The allegations were that the workman borrowed some amount from the accounts holders and when it was time to repay it he told them he will deposit it in their accounts and when he could not do so he made fictitious entries of credits and debits as narrated in these paragraphs.

5. A full fledged domestic inquiry was carried out against him. The disciplinary authority dismissed him from service. The Appellate Authority rejected the appeal filed by the workman. Thereafter by the

order of the High Court the Government referred the matter as an Industrial Dispute. The Tribunal by Part-I award came to the conclusion as stated earlier. The management then lead oral evidence and produced documents on record to justify its action. The management examined Ramesh Bhikaji Haldule (Ex.-41) Senior Manager, Arvind Balkrishna Grade (Ex.-42) Manager, S. V. Kolhatkar (Ex.-55) Officer and Vinayak Vishnu Deshpande (Ex.-57) Special Assistant. As against that the workman did not examine himself, nor witnesses.

6. The management filed a written argument at Exhibit-62. The workman filed his written argument at Exhibit-68. The request made on behalf of the workman to adjourn the matter for oral argument was rejected.

7. Before proceeding further I may mention it here that the Learned Advocate for the workman in his written argument (Ex.-68) have quoted the paragraphs of the Part-I Award given by this Tribunal. In paragraph 2(a) he had referred to paragraph-27 of Part-I Award and in paragraph 3(b) he had referred to paragraph 14, 15, 17 and in paragraph 6(c) he had referred to paragraph-25, I find that referring to these paragraphs the Learned Advocate for the workman wanted to bring on the record that now the Tribunal cannot appreciate the evidence on the record as the relevant ledger books or the ledger pages are not produced on the record. The observations in those paragraphs are on the basis of the evidence which was at that time. Thereafter the management had lead oral evidence and had produced documents on the record. The Tribunal now has to consider the documents which were already on the record, the documents which are produced on the record and the oral evidence lead, for coming to the conclusion whether the charges are proved or not.

8. Ramesh Bhikaji Haldule (Ex.-41) was working as the accountant Somwarpeth Branch between August '77 to June '81. The workman was special assistant there. He affirmed that workman was incharge of the company accounts. The balance books of the company section of which the workman was incharge were not tallied as required under the banking procedure for maintenance of a accounts of depositors. Haldule therefore asked the workman to tally all the balance books and report. But Sinkar failed to comply. He therefore asked Mr. A. B. Garde (Exhibit-42) then officer in Somwarpeth Branch to do the job along-with Mr. S. V. Kolhatkar (Ex.-55). They tallied the accounts and brought to the notice of the workman what irregularities were committed. Haldule affirms that the workman was asked to explain but his explanation was not satisfactory. He was asked to correct those entries which he did in his own hand writing.

9. Haldule affirms that the worker addressed a letter to the Bank under his signature on 31-10-77 and explained the circumstances on which he committed the offence Exhibit-40/1 is the photo copy of that letter. He admits in the cross examination that he does not possess the original of the same. It is not the case of the workman that he had not written that letter at all

From the record it appears that there is misplacement in the record and therefore the original letter could not be produced. It can be seen that the management had produced the original letters written by the workman at Exhibit-40/4 dated 16-2-78 Ex. 40/5 letter dated 27-2-78; Ex-40/6 letter dated 6-3-78. They have also produced the original documents alongwith Exhibit-48 and its photo copies were produced alongwith Exhibit-44. It is common knowledge that when an institution is a party the record after lapse of time is difficult to trace out. Here whatever record was traced out is produced. The ledgers are not produced on which it is affirmed by Haldule that the corrections were made by workman in his own handwriting. It appears from the Statement of Claim (paragraph-27) that the contention of the workman that he did so with the approval of the superiors viz. Kolhatkar and Haldule and by token of approval they have initialled the same. The facts still remains on the large of the letters (Ex.-40/1 ; 40/4 ; 40/5 and 40/6) that those entries which are mentioned in the chargesheet in respect of the credits and debits were written, scratched and then corrected by the worker. Haldule admits it he asked him to correct the same.

10. In the cross examination of Haldule it is tried to bring on the record that it was not his duty to make a credit and debit entry he being special assistant. But I find it without any merit.

11. There is no suggestion to any of the management witness that the letters which are referred above were not written by the workman. The details of those letters will be dealt with at a later stage but because of this it has to be said that those letters were written by the workman. There is no suggestion to these witnesses that they had an enmity or there are certain reasons for deposing falsely against the workman, and in favour of the management. No doubt so far as Vinayak Deshpande (Ex-57) MW-4 is concerned there is a suggestion that he is deposing falsely because of assurances of a promotion. I do not find any merit in it. It can be seen that he had served the bank for 25 years and now he works as a special assistant in the accounts department.

12. Arvind Balkrishna Grade (Ex.-42) ; Haldule (Ex.-41) ; Kolhatkar (Ex.-55) , Deshpande (Ex.-57) corroborates each other on the point that the worker was incharge of the company section at the relevant time. Haldule and Grade affirms that the letter dated 31-10-77 was written by the worker. The photo copy of that letter is produced on record and it is tried to suggest that the original is not traceable. As the photo copy was not readable it is typed copy was produced on the record. There is no suggestion that the portion typed in that letter is incorrect. There is no reason to disbelieve that this letter was not written by the workman. These witnesses affirms that the workman admitted the guilt which he committed by that letter and had explained the circumstances which promoted him to do the misdeed.

13. Garde and Kolhatkar corroborates each other and affirmed that as Haldule who was incharge then asked them to balance the account of the company

section of which the workman was incharge. They did the job within three weeks or so and brought to the notice of the workman the misdeeds. They also returned to Haldule and thereafter Haldule asked the workman to correct the entries. He thereafter corrected the entries. Exhibit-40|2 is the report from the Branch Manager, Somarpeth to the Divisional Manager dated 30-11-77 in respect of the misdeeds of the workman. Exhibit-40|3 is a letter from the agent Somwar-peth Branch Pune addressed to Divisional Manager, Pune Division with a copy of the report on fraud made by Sinkar. It can be seen that in the cross examination of Barde or that of Kolhatkar there is no suggestion that they did not tally the balance or that they did not work as per the directions of Haldule. In the cross examination what is tried to bring on the record that the report is not signed and that it is a list of the documents only. But I do not find that from the cross examination it is brought on the record that there was no fraud.

14. Alongwith Exhibit-48 the originals documents on which photo copies were already produced on the record at Exhibit-44 were produced. Exhibit-44|2 is a letter dtd. 27-1-78 written by agent Somwar-peth, to the Divisional Manager pertaining to the account of Shri S. B. Kulkarni and its details. It relates to the acts of Sinkar. Ex-44|3 is a letter dated 13-1-78 alongwith report of a fraud dtd. 28-2-78 (Ex-44|4). After perusal of it can be seen that these officers have dealt with each and every account and given the report.

15. Kolhatkar affirms that the work was allotted to Garde by Haldule and he assisted him. It is tried to suggest that he being a senior there was no question of his assisting him. But, he denied it. It is not suggested to him that he never worked with Garde for doing that job.

16. Vinayak Deshpande is one of the important witnesses of the management. He gives the details how savings account is operated. He affirms that he was working as a clerk attached to the saving bank counter of the company section. This section is separately maintained. As a clerk working on the same counter it was his duty to post the withdrawal slips presented by the customers and thereafter to enter the same in the payment of scroll and to give it to Sinkar for passing Sinkar was to pass it being the Special Assistant.

17. Deshpande further affirmed that the account holder Kulkarni presented withdrawal slip of Rs. 2000 on 5-8-78. Sinkar put an endorsement in his own handwriting 'pay'. After making initials over the withdrawals. He further affirmed that Sinkar asked him to keep one line open/blank in anticipation of a credit entry and he acted accordingly. Thereafter Sinkar made an endorsement 'No entry' and cancelled the earlier entry. He further affirmed that on 25-4-77 a withdrawal slip of Rs. 700 was presented by Sinkar and he put his initial. He also put a remark on the right side of the withdrawal slip stating there 'is posted' and debited in (B) in-operating ledger and initialled the same. He also recorded the withdrawal slip in general payment scroll putting his initials. He affirmed that by doing this he gave false credit of

Rs. 700 of the account holder. He allowed excess credit to the account holder by posting the said withdrawal. In the cross examination he admits that the ledgers are initialled by the officers after making credits. Special Assistants are empowered to sign the ledgers. He accepts the position that Sinkar did not initial the debit entry of Rs. 2000 in the ledger nor he asked Sinkar to initial the entry. He accepts the position that the entry was not cancelled by Sinkar in his presence. So far as the pay acroll of Rs. 2000 is concerned it is on the record. He affirmed that so far as the withdrawal slip of Rs. 700 is concerned it was initialled by Sinkar but he had not personally seen the posting process and debiting process in the ledger 'B' in-operating ledger. He denied that he deposed falsely but states that he had seen those entries.

18. Now here the testimony of Deshpande is corroborated by the letter written by Sinkar himself. It finds place in the letters Ex-40|1 dated 31-10-77; and original letter (Ex.-40|4) dated 16-2-78. It is therefore there is no reason to reject the testimony of Deshpande. It is tried to suggest that he did not complain to the superiors as he was asked to keep one line open by Sinkar. It is common knowledge that in banking business the colleagues oblige each other for adjustment for a small period. I therefore find that whatever deposed by Deshpande in respect of these entries must be true and there was no reason for him to depose falsely.

19. That takes me to the letters of Sinkar dated 31-10-77 and 16-2-78. In these 2 letters he in categorical term stated that he had given false credits in different accounts. He has also narrated the four withdrawals carried out by him and had also mentioned that he is ready to pay Rs. 3,025 in full settlement in respect of those amounts. It is not in dispute that accordingly he deposited that amount. He thereafter had given an explanation why he did so. It was because his mother was sick and he was trying to get his sister engaged. From the letters dated 27-2-78 (Ex-40|5) and 6-3-78 (Ex-40|6) he reiterated the reasons in the letter in elaborate nature why he committed these major misconducts. He tried to pursue the authorities stating that his father was an employee of the bank and he had unblemished service record. He tried to suggest that his difficulties may be considered by the authorities and he may be pardoned. All these recitals in the letters and from the testimonies of the management witnesses which I have referred to above clearly go to show that the charges which were levelled against the workman were proved.

20. For the sake of argument even if it is accepted that the corrections in the accounts were carried out by Sinkar and were initialled by these superiors say for instance Haldule or Kolhatkar that does not mean that the major misconducts committed by Sinkar were rectified. It is common knowledge that if any mistake is committed that has to be rectified to make that balance correct so far as the further transactions are concerned.

21. The charge against the workman is of a serious nature. He had committed a fraud on the bank. The

banking industry runs on faith. If such persons are allowed to continue in employment it will ruin the bank and the customers. The money which is deposited with the bank belongs to the public and the persons misappropriating the money has no right to continue in the employment and seek for judicial sympathy. It is in the statement of claim that the punishment which is awarded is disproportionate to the charges proved. But I find that the punishment which is awarded to the workman cannot be said to be disproportionate. In view of the charges which are proved. It has to be also seen where the worker serves. Here he serves in the banking industry. Under such circumstances I do not find any reason for granting any leniency so far as the punishment is concerned. In the result I record my findings on the points accordingly and pass the following order:

### ORDER

The action of the management of Bank of Maharashtra in dismissing Shri A. G. Sinkar from the service of Bank of Maharashtra is justified.

S. B. PANSE, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1998

का.आ. 1961.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक आफ बड़ोदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-2 मुंबई के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार को 16-9-98 को प्राप्त हुआ था।

[सं. एल-12012/138/97-आई.आर. बी-II]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 17th September, 1998

S.O. 1961.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-II, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 16-9-98.

[No. L-12012/138/97-IR (B-II)]

C. GANGADHARAN, Desk Officer

### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. II,  
MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer.

REFERENCE NO. CGIT-2/95 of 1997

Employers in relation to the management of Bank of Baroda

AND

Their workmen

### APPEARANCES :

For the Employer : Mr. L. L. D'Souza Representative.

For the workmen : Mr. N. A. Kulkarni, Advocate.

Mumbai, dated 3rd September, 1998

### AWARD

The Government of India, Ministry of Labour by its Order No. L-12012/138/97/IR.(B-II), dated 28-11-97 and referred to the following Industrial Dispute for adjudication :

"Whether the action of the management of Bank of Baroda, Pune in terminating the services of Shri Krishna Ram Mane, Sub-staff w.e.f. 30-9-94 is legal and justified ? If not, to what relief the said workman is entitled ?"

2. Krishna Ram Mane, the workman filed a statement of claim at Exhibit-6. He contended that he was interviewed by the Bank of Baroda (herein after referred as the Bank) for the post of peon on 1-9-86 and was appointed at its Branch at Ichalkaranji on 1-9-86. It is averred that he was in continuous service in the bank till his termination on 13-9-94. It is pleaded that on 29-9-91 he requested the bank to confirm him in the service as he rendered continuous service for more than 240 days in a year. Instead of continuing him he was orally terminated without any compliance of provisions of the Industrial Disputes Act of 1947. He was not paid any notice pay or retrenchment compensation.

3. The workman pleaded that it is the contention of the bank before the Conciliation Officer that due to the over qualification of the workman he cannot be employed in the bank. It is averred that, that qualification has nothing to do with the recruitment of the bank. In fact he had acquired the appropriate education qualifications for the post of peon. For all these reasons it is submitted that the bank may be directed to reinstate the workman to his original post of a peon with full back wages and continuity in service alongwith other consequential-reliefs.

4. The bank resisted the claim by the written statement (Exhibit-8). It is pleaded that the workman was engaged as a casual worker on a daily wages basis in the bank. His services were utilised as and when needed on day to day basis to meet exigencies like leave vacancies absenteeism by regular employees etc. He was first employed in 1986 for about 90 days and in the year 1987 for about 115 days. Thereafter he was engaged in the year 1992 for 123 days, in 1993 for 166 days and in 1994 for 233 days, as a casual employee on daily wages. It is averred that the casual employees have no right to employment

and non-employment of a casual employee does not amount to termination of service.

5. The bank submits that the workman is over qualified for the post of peon. As his appointment is a casual peon was not as per the requirement and was void. It is submitted that the appointment which is illegal or which is not in accordance with the rules of the bank could be resigned at any time and such termination does not amount to discharge or dismissal as contended by the workman. It is averred that the dispute cannot be an Industrial Dispute as claimed by the workman. It is averred that he never worked continuously for more than 240 days in a year before his termination. Under such circumstances there is no question of compliance of section 25F of the Industrial Disputes Act of 1947. It is asserted that he being an over qualified he cannot be appointed as a peon. It is pleaded that for all these reasons the workman is not entitled to any reliefs as claimed.

6. The issues are framed at Ex-13. Issues and my findings thereon are as follows :

Issues	Findings
1. Whether the dispute raised is an Industrial Dispute under section 2(A) of the Industrial Disputes Act of 1947 ?	No. but under section 2(A) of the Act only.
2. Whether it is proved that Krishna Mane was continuously in service for more than 240 days in a year before the date of his termination ?	Yes.
3. Whether the bank did not comply with the provisions of Section 25F of the Industrial Disputes Act of 1947 before terminating the services of Mane?	Yes.
4. Whether Mane cannot be employed as a peon in view of his technical qualifications ?	No.
5. Whether the action of the management of Bank of Baroda, Pune in terminating the services of Mane sub-staff we.cf. 30-9-1994 is legal and justified ?	Not legal and not justified.
6. If not, to what relief the said workman is entitled to?	As per order.

#### REASONS

7. Both the parties have filed written arguments in the matter. It is tried to submit on behalf of the management that the workman was engaged as a casual worker on daily wages and termination of such a workman does not amount to retrenchment and/or dismissal and/or retrenchment and consequently there cannot be an Industrial Dispute within the meaning of section 2(K) of the Industrial Disputes Act. Looking to the order of the reference it can be seen that the reference was made not under section 2(K)

but under section 2(A) of the Industrial Disputes Act of 1947. So far as the contention relating to that position is concerned I find it without any merit and substance.

8. Krishna Mane (Exhibit-14), the workman affirms that he rendered a continuous service with the bank from 1-9-86 till 30-9-94. In his cross-examination he admits the position that initially he worked in 1986 and 1987. Thereafter from 1987 to 1991 he was not in service and again the bank called him and was in service in 1992, 1993 and 1994. He was on daily wages. He was working at Ichalkaranji Branch. He was never given an appointment letter. From the cross-examination it is very clear that his contention that he was in continuous service from 1986 to 30-9-1994 is not correct.

9. Mane affirmed that he was orally terminated from service on 30-9-94. The management had produced alongwith Exhibit-11/1 statement showing details of annual working days put by Mane. In the written statement it is mentioned that he had worked 90 days in 1986, 115 days in 1987, 123 days in 1992, 166 days in 1993, 233 days in 1994. It is tried to submit on this basis that he was not in continuous service for more than 240 days in a year.

10. Mr. Kulkarni, the Learned Advocate for the workman argued that while calculating those days the bank had not taken into consideration the Sundays and Holidays on which the workman worked and was paid the daily wages. To substantiate this submission he tried to rely upon the vouchers (Exhibit-11/5) which were produced by the bank. Looking to the vouchers it can be seen that the payment which was made to him is as per the working days mentioned in that vouchers. It was not brought to my notice that the payment is excess than the working days mentioned there and at Exhibit-11/1. In other words he was paid for working on Sundays and Holidays and those days are excluded from the statement (Exhibit-11/1). But that does not mean that the workman had not complied with the requirement of the provisions of the Industrial Disputes Act of 1947.

11. Section 25(B) (a) states that when a workman is not in continuous service then the meaning of clause (1) for a period of one year he shall be deemed to be in continuous service under the employer (a) for a period of one year if he workman during the period of 12 calendar months proceeding the date with reference to which calculation is to be made as actually worked under the employer for not less than-(ii) 240 days.

12. Admittedly the workman was terminated or in other words not given any employment after 30-9-94. So far as the year 1994 is concerned the management admits the position that he worked for 233 days. Now for calculating 12 months preceding the date of termination last three months from 1993 have to be seen. After perusal of Exhibit-11/1 it can be seen that from 1st October, 1993 to 31-12-93 he worked for 75 days. That comes to 308 days in 12 months. In other words he has to be treated in continuous service as per section 25B of the Industrial

Disputes Act of 1947.

13. Admittedly the workman was not given any notice before termination nor any compensation contemplated under section 25F of the Act for retrenchment. He is entitled to the same.

14. Mr. Kulkarni, the Learned Advocate for the workman tried to submit that there is no compliance of section 25F of the Act the termination becomes void and the workman is entitled to reinstatement in service alongwith full back wages and continuity. This proposition cannot be accepted in view of the fact that the workman was engaged on daily wages.

15. Mr. D'Souza, the Learned Representative for the management placed reliance on *Prakash Cotton Mills Pvt. Ltd. Vs. Rashtriya Mill Mazdoor Sangh* 1987 1 LLJ 97. In that case Their Lordships observed that the Badli workmen get work only in the absence of a regular employee and they don't have any granted right of employment. Their names are not borne on the muster rolls. Indeed the Badli workman has no right to claim employment in the place of any absentee employee. In any particular case if there be some jobs to be performed and the employee concerned is absent the company may take in Badli workman for the purpose. They are really casual employees without any right to be employed. Relying on the ratio it is tried to submit that the casual worker have no right to employment. Obviously the word casual workers denotes that when there is a casual work then they are employed. I rely upon the ratio given in the above said authority.

16. In another case *Sharma Das Vs. Superintendent Durgapur Hospital* 1997 75 FLR 945 it has been held that casual workers have no right to be permanently absorbed in service even if they have worked for more than 240 days. I rely upon the ratio given in this authority also.

17. Mr. D'Souza, the Learned Advocate for the bank also placed reliance on *Escort Ltd. Vs. Presiding Officer* 1997 LLR 699 and *H. K. Vaidyarathi Vs. State of Bihar* 1997 76 FLR 237. The facts of both these cases are different than the facts before me. It has no application.

18. Mane in his cross-examination admits that when he was first employed his educational qualifications was passing of the 8th standard and failing in the 9th standard. In view of the recruitment rules of sub-staff (Ex-11|21) which states that the candidate should have passed 7th standard he should not have studied beyond 8th standard. The meaning of not studying beyond 8th standard includes passing of standard 8th. Therefore, the person who has passed 8th standard can be considered. From the testimony of Mane it is very clear that he only passed 8th standard and not 9th standard. Exhibit-11|6 is the copy of school leaving certificate which supports his contention. I, therefore find that the contention of the management that the workman was over qualified appears to be without any merit on the basis of document (Ex-11|2) produced by management itself.

19. Mane (Ex-16) affirmed that advertisement was given by the bank inviting applications for drawing

up a panel of persons who had worked on temporary basis at any of the branches as a peon for 90 days or more between January '82 to December '90 for consideration of cases for future vacancies. It is at Ex-11|3. It is dated 13-8-91. Mane eventhough admittedly served as a casual worker between 1-1-82 to 31-12-90 appears to have not been considered to get the employment as per that advertisement.

20. I have already observed above that it is well settled that casual workers eventhough have completed 240 days in a year have no inherent right to get a permanency in the employment. Mane affirmed that when he was working there the regular sub-staff of the bank employees were also working. He had not given the details of work which he was doing. But so far as the position that he was working as a peon on a casual basis is not disputed by the management. It is to be seen that eventhough the panel was prepared on the basis of the advertisement. Mane was appointed as a casual labourer to work as a peon in 1993 to 1994 clearly speaks that there is an availability of the work which is required to be done by peon. There is no record to show that there is a permanent vacancy in the bank so far as the sub-staff peon is concerned. Under such circumstances in view of the above said discussion at the most the management can be given a direction to the effect that he is to be given an employment at the time when the permanent vacancy arises. If there is a panel in existence then the name of this workman is to be included at the last. If not, he is to be accommodated at the first vacancy.

21. The Learned Representative for the management tried to argue that as the workman has not come before the court with the clean hands he is not entitled to any benefits. To substantiate this he relied upon *Sujan Singh Vs. RSRTC* 1998 LIC 474 and *Naragoud Vs. Industrial Tribunal-cum-Labour Court* 1997 1 LLJ 643. The facts of these cases are quite different. They have no application. No doubt in the claim and the affidavit Mane claimed to be in continuous service from the date of appointment till its termination. But, he admits the position that the working days which were filed by the management are correct. In the cross-examination also he admits the suggestions put to him regarding it. I therefore do not find that there is falsehood to deprive him the right which he in normal course should get. It is common knowledge then these casual labourers are terminated the authorities from a scheme by which they are to be regularised. That can be seen from the advertisement (Ex-11|3) which is produced on the record. Here in this case as the worker had continuously worked for more than 240 days he entitled to get some reliefs. It can be further seen that the rules which are made for recruitment cannot be said to be mandatory rules. For all these reasons I record my findings on the points accordingly and pass the following order :

#### ORDER

1. The action of the management of Bank of Baroda, Pune in terminating the services of Shri Krishna Rami Mane sub-staff w.e.f. 30-9-1994 is not legal and not justified ?

2. The management is directed to pay him retrenchment compensation contemplated under section 25F of the Industrial Disputes Act of 1947.
3. The management is further directed to appoint the workman Mane as a peon as and when the permanent vacancy in that cadre is available. His name is to be included in the panel of employees to be appointed as a sub-staff at the last number. If the panel is not in existence he is to be absorbed as and when the first vacancy arises.
4. The other claim of the workmen is rejected.

S. B. PANSE, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1998

का.आ. 1962.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-9-98 को प्राप्त हुआ था।

[सं. एल-12012/179/82-आई.आर. बी.-II]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 17th September, 1998

S.O. 1962.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 16-9-1998.

[No. L-12012/179/82-IR (B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
AT CALCUTTA

Reference No. 61 of 1992

PARTIES :

Employers in relation to the management of Central Bank of India

AND

Their workmen.

PRESENT :

Mr. Justice A. K. Chakravarty, Presiding Officer.

APPEARANCES :

On behalf of Management—Mr. S. K. Chatterjee, Deputy Chief Officer (Law) of the Bank.

On behalf of Workmen—Mr. M. Bhunia a Committee Member of the Union.

STATE : West Bengal

INDUSTRY : Banking

AWARD

By Order No. L-12012/179/92-IR (B-II) dated 10-12-1992 the Central Government in exercise of its powers under Section 10(1)(d) and (2-A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Bank of India not absorbing Shri Swapan Chakraborty as Bank Staff in reference to circular dated 10-10-85 is justified ? If not, to what relief is the workman entitled ?”

2. The instant reference has arisen at the instance of Central Bank of India Employees Union (in short the union) challenging the action of the management of the Central Bank of India (in short the management) for not absorbing Shri Swapan Chakraborty as Bank Staff.

3. Union's case, in short, is that the concerned workman Swapan Chakraborty worked as casual Peon at Salt Lake Branch of the Bank against permanent vacancy for 160 days from 19-8-1985 to 6-11-1985 and from 1-2-1986 to 21-4-1986 in place of Shri Swapan Chowdhury who was transferred to Belgachia Branch of the Bank on his promotion. The concerned workman was not given any letter of appointment. He applied to the Bank for giving him a chance for appearing in the written test arranged by the Bank in terms of its circular dated 10-10-1985. No response was made to the application but some other casual Peons were called in the said test with their consequent regularisation in the service of the Bank. Although the concerned workman possessed requisite qualification including registration of his name in the local Employment Exchange, he was not called for the written test by the Bank even after his application for the same. The Bank arranged for written test for recruitment of the staff in the subordinate cadre once in February 1986 and thereafter in 1989. Though number of persons were appointed on the basis of those tests, the concerned workman was never permitted to appear in the said examinations. The concerned workman also stated that the circular dated 12-3-1991 upon which the management relies for not allowing him to appear in the written test does not apply in his case as he was appointed before 1-1-1987. The union also alleged that the management has violated the Rules 77 and 78 of the Industrial Disputes (Central) Rules, 1947 by not maintaining the register of casual workers. The union has also alleged that the circular dated 12-3-1991 is illegal as it has not left any chance for absorption of the employees appointed before 1-1-1987. It is also alleged that the management has acted illegally by not appointing the concerned workman when it appointed subsequent recruits. The concerned workman having failed to convince the management about his right to absorption, an industrial dispute was raised through the present union and all attempts of conciliation having failed, the matter was referred to the Central Government which referred the matter to this Tribunal for adjudication. The union has accordingly prayed for absorbing the concerned workman in the service of the management.

4. The management in its written statement has alleged that the concerned workman was initially engaged as a casual worker on duty pay in the Salt Lake Branch of the Bank in 1985 on purely temporary basis to meet certain exigencies and from 19-8-1985 to 6-11-1985 he rendered 60 days of service and from 1-2-1986 to 21-4-1986 he rendered 59 days of service totalling 119 days of service as per details given in the written statement. The management has further alleged that the service of the concerned workman being on day-to-day basis, his service on a particular day ended on that day itself and there was no fixed contract of employment. The management also denied the existence of any master and servant relationship between itself and the concerned workman. The management has further alleged that no question of absorption of the concerned workman can arise as he was not eligible for such appointment. It is further alleged that he was not eligible also for examination/interview for recruitment in the Bank's service. It is further alleged that the concerned workman has raised this claim after about 7 years of his termination. The present reference is nothing but a camouflage for back door appointment. The management has further alleged that in the above circumstances there is no

question of retrenchment of the concerned workman. The management has accordingly prayed for dismissal of the case of the union.

5. In its rejoinder, the union reiterated its case as made out by it in its original written statement. It was also alleged that the management violated the provisions of Desai Award, Sastri Award and industrywise bipartite settlements and that the management acted illegally by not issuing any appointment letter to the concerned workman and also by terminating his service without any notice in writing. The union has further alleged that the management also acted illegally in not absorbing the concerned workman in place of Swapna Chowdhury, a permanent staff, who had been transferred. The union has also alleged that the management is guilty of commission of unfair labour practice in not absorbing the concerned workman.

6. Heard elaborate arguments made by the representatives of both sides in this matter.

7. It appears from record that both sides have examined some witnesses and produced certain documents in support of their respective cases. As a matter of fact, the union not only examined the concerned workman but also one Nitya Ranjan Basu, who found fault with the management as it did not request the Barasat Employment Exchange to inform whether the name of the concerned workman alleged to have been enrolled was enrolled at all. Management also examined one witness.

8. Before any discussion of the evidence on record, it is necessary to examine the scope of the reference as this Tribunal has neither the power nor the jurisdiction to decide anything beyond the requirement of the reference. In the instant case, the reference is about justification of the action of the management in not absorbing the concerned workman as per its circular dated 10-10-1985. The first impediment in this matter is that circular dated 10-10-1985, which is marked Ext. W-1. In this case, has got nothing to do with the absorption of any workman. The circular was issued to all the branches under the Calcutta Metropolitan Region/Zonal Office/Z.S.T.C./CIA's Office directing them to inform the Regional Office the names and other particulars of the casual peons for appearing in the written test for recruitment of sub-staff. Regarding qualification of the employees it was stated that 60 days of work for candidates from Employment Exchange and 6 months of actual service for employees other than those drawn up from the Employment Exchange was a must. Both sides being not in dispute about the period during which the concerned workman had worked, the admitted position is that he has not put in 6 months of service. It is not the union's case that the concerned workman had been working in the Bank after his name was sponsored by the Employment Exchange. The concerned workman in his evidence tried to state that as his name was enrolled in the Barasat Employment Exchange that his case should be considered as referred from the Employment Exchange. WW-2, Nitya Ranjan Basu also stated that Barasat Employment Exchange was not informed about where the concerned workman was enrolled. I fail to understand how the enrolment of name of any candidate in any Employment Exchange can be equated to that of sponsorship by that Employment Exchange. If the concerned workman wanted to come within the first category of the candidates, namely, those who have rendered 60 days of service, he ought to have shown that his name was duly sponsored by the Employment Exchange. There is, therefore, no doubt that under no circumstances the workman can claim his right for appearing in the test as an Employment Exchange candidate. He also does not come within the second category of candidates as mentioned in the circular as he had not completed 6 months of actual service in any branch of the Bank. The management, therefore, having acted in terms of the circular, referred to in the reference, cannot be said to have acted illegally in not allowing the concerned workman to sit in the written test. Again if the term of the reference wants to mean indirectly that absorption of the concerned workman was not made because of management's action of not allowing the workman to sit in the written test, then also, the concerned workman cannot have any case as he had not the required

qualification to appear in the test. There is yet another obstacle in the matter of absorption of the concerned workman. To be absorbed in the service, a workman is required to be in service of his employer. In the instant case, the relationship of employer and employee between the management and the concerned workman having ceased to exist on the expiry of 6-11-1985 for the first time and 21-4-1986 for the second time no question of absorption in service can arise.

9. It is therefore clear that in view of the nature and scope of the reference as mentioned in the schedule that the concerned workman shall not be entitled to any relief whatsoever as there cannot be any right for absorption after termination of service and also because the impugned circular had nothing to do with his absorption in service. I have also shown that the management acted in terms of the circular which also prevents the workman from getting any relief.

10. Mr. Bhunia, representative of the union, also submitted that as per industrywise bipartite settlement there are only four types of employees, namely, permanent, probationer, temporary and part-time. The contention of Mr. Chatterjee, representative of the management that the concerned workman was appointed as a casual worker accordingly cannot be accepted as there is no such provision for appointment casual worker. It further appears that temporary employee will mean a workman who has been appointed for a limited period of time which is of essentially temporary nature and who is employed temporarily as an additional worker in connection with temporary increase in work of permanent nature and includes a workman other than a permanent workman who is appointed in a temporary vacancy caused by the absence of a particular permanent workman. It is the case of the union that the concerned workman was appointed in place of one Swapna Chowdhury who was transferred on promotion and it appears from the evidence of the concerned workman that he was directed to work in his place so long as that post is not filled up by the permanent incumbent. He also admitted that he was not granted any appointment letter. MW-1 denied that the concerned workman was directed to work in place of Swapna Chowdhury and he categorically denied that the concerned workman was appointed against any vacancy. I have already stated that the appointment of casual labour being not in vogue in the banks as per bipartite settlement, the appointment of the concerned workman was on temporary basis. Such appointment must be deemed to be purely temporary as there was neither any appointment letter, nor has it been proved that he was appointed against any permanent vacancy.

11. Though it is not strictly relevant in this case to consider right of the management to terminate the service of the temporary employees in view of the nature and scope of the reference mentioned earlier, still then, since Mr. Bhunia, representative of the union agitated this point at great length, that point may be considered within a short compass. No provision of law was produced before this Tribunal to show that temporary employee rendering not more than 150 days of service is entitled to absorption in the service. It may be put that such employees rendered one year's continuous service as required under Section 25-F of the Industrial Disputes Act, 1947 their service could not be terminated without compliance of the requirement of that section. Temporary appointment for performance of casual nature of jobs can always be terminated by the management. In this connection, a reference may be made to the case of Surendra Kumar Gyani v/s. State of Rajasthan, reported in AIR 1993 SC 115 wherein it was held that employees appointed on daily wages as a stop gap measure to meet the temporary need cannot be said to be appointment on regular basis as it was not permissible under relevant rules. The order of termination of services of such employees on the availability of the properly recruited persons was not illegal. In the case of Syndicate Bank and Ors. v. Shankar Paul and Ors., reported in AIR 1997 SC 3091 it was held that the temporary employees have no right to claim permanent absorption in service.

12. Further, though the service of the concerned workman was terminated finally on 21-4-1986, still then, he did not raise the dispute immediately thereafter. It appears from record that he raised the dispute of 10-10-1991. It is true that there is no question of limitation in industrial legislation, but the conduct of the concerned workman, as it is evident from such belated raising of dispute, shows that even though he accepted his termination of service and raised the dispute at a late stage for taking a chance.

13. So, upon consideration of all the facts and circumstances of the case as well as the position of law in the matter. I am to hold that the management was justified in not absorbing Swapn Chakraborty, concerned workman, as Bank Staff in terms of circular dated 10-10-1985. The concerned workman accordingly shall not be entitled to any relief in this case.

This is my Award.  
Dated, Calcutta,  
The 4th September, 1998

A. K. CHAKRAVARTY, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1998

का.आ. 1963.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-9-98 को प्राप्त हुआ था।

[सं. एल-12012/237/95-आई.आर. (बी.-II)]

सी. गंगाधरन\* डेस्क अधिकारी

New Delhi, the 17th September, 1998

S.O. 1963.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 16-9-1998.

[No. L-12012/237/95-IR (B-II)]  
C. GANGADHARAN, Desk Officer  
ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT PANDU NAGAR, KANPUR  
Industrial Dispute No. 3 of 1997

In the matter of dispute .

BETWEEN

Sri P. N. Singh, Asstt. General Sectt.  
Allahabad Bank Staff Association  
C/o Allahabad Bank Service Branch  
Kanpur.

AND

Regional Manager  
Allahabad Bank  
Pandu Nagar, Kanpur.

AWARD

1. Central Government, Ministry of Labour, vide Notification No. L-12012/237/95-IR (B-II) dated 30-12-1996, has referred the following dispute for adjudication to this Tribunal—

Kya Kshetuiya Prabandhak Allahabad Bank Kanpur dwara Sri D. S. Shakya ko visesh bhatta vapas lene ka dand dena prayochit hai? Yadi nahi to sambandhit karmkar kis anutosh ka haqdar hai?

2. Although the case was reserved for finding on preliminary issue regarding fairness and propriety of domestic enquiry, final award is being given as ultimately I have come to the conclusion that enquiry was fairly and properly held and as the punishment awarded to the concerned workman is less than dismissal and removal this Tribunal cannot go into the proportionality of the punishment in exercise of its powers under Section 11-A of I. D. Act.

3. The concerned workman D. S. Shakya was working as Special Assistant at Burpur Branch of the opposite party. In that course he had committed certain acts of misconduct in respect of which chargesheet dated 18-2-93 was issued which runs as under—

1. You passed two withdrawal forms for Rs. 10,000 and 20,000 on 27-4-91 and on 1-5-91 in S. B. A/c No. 667 in the name of Sri Ritu Baran Singh ignoring the fact that the signatures of the account holder appearing on the said two withdrawal forms did not tally with any of those on record.
2. You violated the circularised/instructions/banks instructions norms in passing the aforesaid withdrawal forms for Rs. 20,000 as you are authorised to pass singly an instrument for each payment only to the extent of Rs. 10,000.
3. The pass book was not presented at the time of payment of the said withdrawal dated 27-4-91 and 1-5-91 which is evidenced from the relative pass book which bears only one signature for both the debit entries paid on different entry and you made year initial on the last entry of Rs. 20,000 posted on 1-5-91.
4. You did not cross the signature of the account holder appearing on the dispute withdrawal form of Rs. 20,000 as per practice which indicates that you did not tally the signatures of the account holder with any of those on record.

3. One D. K. Goel an Officer of the bank was appointed Enquiry Officer. During the course of enquiry Brij Kishore Sharma Sr. Manager/Inspector and Ganesh Swarup Sharma MW-2 were examined besides the management has filed documents. The concerned workman did not adduce oral or documentary evidence in defence. On a consideration of above the Enquiry Officer submitted his report dated 27-10-94 holding that charge Nos. 1 and 2 fully proved charge No. 3 as not proved whereas charge No. 4 was proved in part. On the basis of this report the disciplinary authority issued show cause notice for awarding punishment on all the proved charges. However, the disciplinary authority vide order dated 25-1-95 finally awarded punishment by way of denial of special assistant allowance. The appeal was also dismissed. Feeling aggrieved the concerned workman has raised the instant industrial dispute.

4. In the first place it was submitted that Ritu Baran Singh the Account holder of S.B. A/c No. 668 was not examined. In its absence it could not be said if the charges it was not necessary for the management to have examined were forged. However it was not disputed that the concerned workman had immediately passed them. I think the complaint as the concerned workman himself had not entered into the witness box to rebut the evidence of the management bank who had spoken about the forgery of cheques on the basis of complaint and other allied papers.

5. Next it was submitted that original of accounts and cheques number No. 3-A and 3-B and Ext. M. 13-6 were not proved before the Enquiry Officer. This will not vitiate the enquiry in any manner as these papers were in police custody in connection with criminal case. Under the circumstances filing of certified copies of these papers was enough.

6. Next it was submitted that even from the evidence of management witness the case was not proved. I do not agree with this contention. I think with the help of above papers coupled with the evidence of Ganesh Sharma the case was fully proved specially the concerned workman did not dare to enter into the witness box, to deny these facts.

7. Lastly it was submitted that the chargesheet is defective as three punishments have been awarded. As regards first contention I find substance in it. The main misconduct was as found in charge No. 1. The remaining three charges deals with the omissions on the part of the concerned workman by which charge No. 1 was alleged. Hence there was no need to frame charges Nos. 2 to 4 at all. Still it will not rendered enquiry defective. At the most it an irregularity by which no prejudice has been caused to the concerned workman.

8. As regards second point the contention of authorised representative is far from true. In the show cause notice three punishments were proposed whereas actually one punishment by way of denial of special assistant allowance was awarded. As atleast charge No. 1 was proved the concerned workman could be legally awarded with the above punishment. Hence, I do not find any illegality in it. Accordingly my finding is that the enquiry was fairly and properly conducted.

9. As observed earlier, punishment is less than dismissal or removal from service it cannot be examined by this Tribunal under Section 11-A of I. D. Act. Accordingly my award is that the punishment awarded to the concerned workman is justified and he is not entitled to any relief.

Dated : 26-8-1998

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1998

का.आ. 1964—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 16-9-98 को प्राप्त हुआ था।

[सं. एल-12012/412/91-आई.आर. (बी-II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 17th September, 1998

S.O. 1964.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workman, which was received by the Central Government on 16-9-98.

[No. L-12012/412/91-IR(B-II)]

C. GANGADHARAN, Desk Officer

अनुबंध

केन्द्रीय औद्योगिक अधिकरण एवं श्रम न्यायालय,  
जबलपुर (म. प्र.)

डी. एन. दीक्षित,

पीठासीन अधिकारी

प्र.क्र. सीजीआईटी/एलसीआर/78/92

श्री श्रीफ. मोहम्मद कुरेशी

आत्मज स्व. मेख मोहम्मद

मार्फत : श्री. आर. ए. जमाली

नारयालखेड़ा, निकट जमीनेशन स्कूल,

भोपाल (म. प्र.)--462011

...प्रार्थी

विरुद्ध

मंडल प्रबंधक,

यूको बैंक, मंडल कार्यालय,

महाराणाप्रतापनगर, खंड सं. 2

निकट संगम सिनेमा,

भोपाल (म. प्र.)-462011

...प्रतिप्रार्थी

अवार्ड

दिनांक : 26-8-1998

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने आदेश संख्या: एल-12012/412/91-आई. आर. (बी.-2) दिनांक 10-4-92 के द्वारा निम्नलिखित विवाद निराकरण हेतु इस अधिकरण को भेजा है :--

अनुसूची

"Whether the action of the management of UCO Bank, Bhopal in treating Shri Shareef Mohd. Qureshi as having voluntarily abandoned Banks services and removing his name from the banks rolls w.e.f. 25-7-1986 is justified? If not, what relief is the workman entitled to?"

2. श्रमिक श्रीफ मोहम्मद कुरेशी के अनुसार वह बलक/केषियर यूनाइटेड कामप्लियस बैंक में दिनांक 10-1-80 से कार्य कर रहा था। श्रमिक का स्थानान्तरण सिहोरा खाखा से भोपाल की पिपलानी खाखा में वर्ष 83 में किया गया। श्रमिक की सेवाएं 25-7-86 से समाप्त कर दी गई। श्रमिक को स्वेच्छा सेवानिवृत्ति दी गई है। इस प्रकार की सेवानिवृत्ति वर्ष 86 में लिपिक श्रेणी को देने की स्कीम नहीं थी। श्रमिक बीमार था, इस कारण वह अपने कार्य से गैरहाजिर रहा और यह तथ्य प्रबंधन को ज्ञात था। प्रबंधन का यह निष्कर्ष अवैधानिक और नियमों के विपरीत है कि श्रमिक बैंक सेवा में काम नहीं करना चाहता। श्रमिक ने स्वयं कोई अवदन सेवा समाप्ति का नहीं दिया। श्रमिक की थोड़ी सी नौकरी थी और वह स्वेच्छा से सेवानिवृत्ति पाने का अधिकारी नहीं था। श्रमिक को रिट्रिब्यूमेंट दिया गया है, किन्तु उसे वैधानिक नोटिस और रिट्रिब्यूमेंट भत्ता नहीं दिया गया। श्रमिक के विरुद्ध कोई विभागीय जांचा नहीं की गई। ऐसी स्थिति में उसका सेवानिवृत्ति का आदेश अवैधानिक है। श्रमिक ने बहुत प्रयास किया कि उसे पुनः प्रतिप्रार्थी सेवा में ले ले, किन्तु उसे सफलता नहीं मिली। वह श्रमिक चाहता है कि यह घोषित किया जाए कि वह 25-7-86 से बैंक की सेवा में है और उसे नियमों के अनुसार वेतन और भत्ते दिए जाए।

3. प्रबंधन के अनुसार श्रमिक की मांग पर उसे वर्ष 85 में प्रोपल-स्केलप्रारण किया गया था। श्रमिक परवरी और मार्च 85 में 41 दिन अनुपस्थित रहा। श्रमिक ने मई 85 से मई 86 तक 295 दिन लगातार कार्य नहीं किया और अनुपस्थित रहा। इस अवधि की छुट्टी का आवेदन भी श्रमिक ने नहीं भेजा। दिनांक 31-12-85 को श्रमिक को नोटिस दिया गया कि वह कार्य में उपस्थित हो और अगर ऐसा नहीं किया गया तो उसके विरुद्ध निम्नानुसार कार्यवाही होगी। श्रमिक ने इस पत्र का जवाब नहीं दिया। इसके पश्चात् दूसरा नोटिस दिनांक 23-6-86 को श्रमिक को दिया कि वह कार्य में उपस्थित हो जाए। श्रमिक ने इसके बाद भी कार्य में उपस्थिति नहीं दी। ऐसी स्थिति में श्रमिक के विरुद्ध द्विपक्षीय समझौता दिनांक 8-9-83 के अनुसार कार्यवाही की गई तथा उसे 25-7-86 से इस समझौते के अनुसार स्वेच्छा से सेवानिवृत्त की गई। श्रमिक ने 4 वर्ष पश्चात् इस आदेश को चुनौती दी है। 4 वर्षों तक श्रमिक ने इस आदेश के विरुद्ध कोई कार्यवाही नहीं की। श्रमिक की सेवानिवृत्ति वैधानिक और नियमों के अनुसार है तथा इसमें कोई अनियमितता नहीं है।

4. श्रमिक को द्विपक्षीय समझौता दिनांक 8-9-83 के अनुसार सेवा से पृथक किया है। इस समझौते के प्रबंधन ने श्री ए. के. सक्सेना के अग्रपत्र में प्रस्तुत किया है। इस समझौते में यह उल्लेख है कि जहां पर बैंक का कर्मचारी बिना आवेदन के 90 दिन से ज्यादा अनुपस्थित रहे और जहां पर यह विचार करने का कारण हो कि वह अन्य कहीं काम कर रहा है तथा उसका बैंक की नौकरी में उपस्थित होने का कोई इरादा नहीं है, वहां बैंक कर्मचारी के पत्र पर उसे नोटिस देगा कि वह 30 दिन के अंदर कार्य में उपस्थित हो और जहां कर्मचारी कार्य पर 30 दिन के अंदर उपस्थित होगा तो यह बतलायेगा कि जितने दिनों वह और हाजिर रहा है, उतने दिनों उसने अन्य काम नहीं किया है और उसका इरादा नौकरी करने का है। अगर ऐसा नहीं किया जाता तो 30 दिनों की अवधि समाप्त होने पर कर्मचारी को बालेस्टरी रिटायर किया जाएगा।

5. द्विपक्षीय समझौते के अनुसार प्रबंधन को यह सिद्ध करना है कि बैंक कर्मचारी का इरादा बैंक की सेवा करने का नहीं था। नोटिस के पश्चात् भी कर्मचारी ने छुट्टी जवाहन नहीं की। यह कर्मचारी को सिद्ध करना है कि वह किन कारणों से सेवा में अनुपस्थित रहा और इस अवधि में उसने अन्य कहीं काम नहीं किया तथा उसका इरादा बैंक की नौकरी करने का है। श्रमिक के विद्वान अधिवक्ता ने यह तर्क दिया कि यह प्रबंधन को सिद्ध करना है कि जिस अवधि में श्रमिक अनुपस्थित रहा, उसने अन्य कहीं काम किया है। मैं इस तर्क से सहमत नहीं हूँ। प्रबंधन को केवल यह सिद्ध

करना है कि कर्मचारी लम्बी अवधि तक लगातार बैंक की सेवा से अनुपस्थित रहा, दूसरी बात यह सिद्ध करनी है कि नोटिस मिलने पर 30 दिन की अवधि में कर्मचारी सेवा में उपस्थित नहीं हुआ, तिसरी बात यह सिद्ध करनी है कि कर्मचारी ने अनुपस्थिति के संबंध में कोई आवेदन या स्पष्टीकरण नहीं दिया। यह श्रमिक को सिद्ध करना है कि जिस दिनों वह अनुपस्थित रहा, उसने दूसरा व्यवसाय नहीं किया और उसका इरादा बैंक की नौकरी में कार्यरत रहना था।

6. वर्तमान प्रकरण में श्रमिक 41 दिन फरवरी और मार्च 85 में अनुपस्थित रहा और 14-5-85 से 12-5-86 तक बैंक की पिपलानी शाखा में अनुपस्थित रहा। श्रमिक को पहला नोटिस दिनांक 13-12-85 और दूसरा नोटिस दिनांक 23-6-86 को दिया गया। इन दोनों नोटिस में श्रमिक से कहा गया कि वह 30 दिन के अंदर बैंक की सेवा में उपस्थित हो। श्रमिक ने इन दोनों नोटिस का कोई जवाब नहीं दिया। श्रमिक ने नोटिस प्राप्त होने के बाद 30 दिनों के अंदर सेवा में उपस्थिति नहीं दी। श्यामल में भी श्रमिक ने यह स्पष्टीकरण नहीं दिया कि किन कारणों से वह दिनांक 14-5-85 से 12-5-86 तक बैंक सेवा में उपस्थित नहीं हुआ। इस प्रकार प्रबंधन ने सिद्ध कर दिया कि श्रमिक बिना आवेदन और सूचना के अपने कार्य से 14-5-85 से 12-5-86 तक बैंक की पिपलानी शाखा में अनुपस्थित रहा। श्रमिक को दो बार नोटिस दिया गया, किन्तु श्रमिक ने नोटिस पाने पर भी छुट्टी जवाहन नहीं की।

7. श्रमिक की सेवाएं दिनांक 25-7-86 से समाप्त की गई है। श्रमिक ने पहली बार विवाद दिनांक 12-10-90 को प्रस्तुत किया। इस प्रकार 4 वर्ष तक श्रमिक ने सेवा समाप्ति के आदेश को चुनौती नहीं दी। श्रमिक के विरुद्ध निष्कर्ष निकाला जाएगा। श्रमिक की सेवाएं द्विपक्षीय समझौता दिनांक 8-9-83 के अनुसार समाप्त की गई है। जैसा कि ऊपर कहा गया है। यह सेवा समाप्ति वैधानिक और नियमों के अनुसार है। श्रमिक स्वयं काम नहीं करना चाहता था। ऐसी स्थिति में उसकी सेवाएं समाप्त करने के अनिवार्य कोई विकल्प प्रबंधन को नहीं था।

8. ऊपर लिखी विवेचना का निष्कर्ष यह है कि श्रमिक की सेवाएं दिनांक 25-7-86 से नियमों के अनुसार और वैधानिक तरीके से समाप्त की गई है। अर्थात् दिया जाता है कि श्रमिक कोई सहायता पाने का अधिकारी नहीं है। दोनों पक्ष इस प्रकरण का अपना-अपना ध्येय ज्ञात करें।

9. अर्वाइ की प्रतियां नियमानुसार भारत सरकार, श्रम मंत्रालय, नई दिल्ली को प्रेषित की जाती है।

डी. एन. वीरजित, पीठासीन अधिकारी

नई दिल्ली, 17 सितम्बर, 1998

का. आ. 1965.—औद्योगिक, विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-9-98 को प्राप्त हुआ था।

[सं. एल-12012/625/86-डी II (ए)/

आई आर (बी. II)

सी. गंगाधरण, डेस्क अधिकारी

New Delhi, the 17th September, 1998

S.O. 1965.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 16-9-98.

[No. I-12012/625/86-D.II(A)/IR(B-II)]

C. GANGADHARAN, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, PANDU NAGAR, KANPUR  
Industrial Dispute No. 87 of 1995

In the matter of dispute between :

Deputy General Manager,  
Allahabad Bank,  
Hazratganj, Lucknow.

AND

Harbansh son of Sri Algu r/o Village and Post Office  
Madhopur, District Mirzapur, U.P.

#### APPEARANCES :

M. K. Verma for the Management.  
Neeta Mathur for the Workman.

#### AWARD

1. Central Government, Ministry of Labour vide notification No. L-12012/625/86-D.II(A) dated 14-7-95 has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Allahabad Bank in terminating the services of Sri Harbansh w.e.f. 31-5-83, and not considering him for further employment while recruiting fresh hands in terms of Section 25H of the I.D. Act is justified? If not, to what relief is the said workman is entitled?

2. The case of the concerned workman Harbansh is that he was engaged as peon by the opposite party, Allahabad Bank for its Madhopur branch in District Mirzapur on 1-11-81. He continuously worked upto 31-5-87 whereafter his services were terminated in breach of provisions of Sections 25E, G and H of I.D. Act, hence his termination is bad.

3. The opposite party Allahabad Bank has alleged that concerned workman was engaged as casual labour on daily basis he had never completed 240 days in a year. Instead in all he had worked for 140 days. It is further alleged that new hands were engaged after holding test and interview. It is denied that there was breach of provisions of Section 25G of I.D. Act.

4. In the rejoinder nothing new has been said.

5. In support of his claim the concerned workman Harbansh has examined himself whereas the management has examined its manager B. N. Pandey, M.W.I. In the first place it will be seen if the concerned workman had completed 240 days in a year. As stated in this regard there is evidence of the concerned workman W.W.I. In his cross-examination he pleaded ignorance if he had worked continuously for 115 days at Madhopur Branch. From this answer it becomes clear that he himself is not confident if he had completed 240 days in a year. Whereas management witness M.W.I has stated that the concerned workman had worked in leave vacancy for 15 days, for 31 days at two branches the details of which have been given. He has confidently stated that the concerned workman had not completed 240 days in a year. His evidence is based on perusal of file. As the evidence of management is based on record and whereas the evidence of the concerned workman is indefinite I believe the version of the management and hold that the concerned workman has not worked for 240 days in a year. Hence question of breach Section 25F does not arise.

6. No evidence has been adduced to prove that there had been breach of provisions of Section 25G of I.D. Act.

7. In the claim statement it was alleged that Ramakant Tiwari, Radheyshyam Tiwari, Shayam Narain Tiwari were engaged after his retrenchment but no opportunity was given to the concerned workman. The concerned workman has given evidence in this regard. B. P. Pandey, M.W.I has explained that Ramakant Tiwari was engaged as a result of order of the court and remaining were engaged on the basis of result of test and interview. When subsequent appointments are made on the above pattern question of breach of Section 25H of I.D. Act would not arise. It was further submitted that the concerned workman had cleared the test and interview. Reference has not been made in this regard, hence it is not being considered.

8. Lastly even if the concerned workman would have proved his case he would not have been entitled for relief of reinstatement as claim is highly stall being about 13 years old.

Dated : 1-9-89

Let six copies of this award be sent to the Government of India, Minister of Labour, New Delhi, for its publication.  
B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 14 सितम्बर, 1998

का. आ. 1966.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आल इंडिया रेडियो, कानपुर के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-9-98 को प्राप्त हुआ था।

[सं. एल-42012/99/88-डी-II (बी. )]

के. वी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 14th September, 1998

S.O. 1966.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of All India Radio, Kanpur and their workman which was received by the Central Government on 14-9-98

[No. I-42012/99/88-D.II(B)]

K. V. B. UNNY, Desk Officer

## ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 97 of 97

In the matter of dispute :

BETWEEN :

The Director,  
All India Radio,  
Kanpur.

AND

Smt. Gyan Devi,  
w/o Raja Ram Moliquarters,  
9/50 Birhana Road, Kanpur.

## AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-42012/99/88-D.II-B dated 19-6-97 has referred the following dispute for adjudication to this tribunal :—

Whether the action of the management of All India Radio Kanpur in terminating the service of Smt. Gyan Devi w/o Raja Ram Sweeper w.e.f. 8-1-87 is legal and justified ? If not, to what relief the workman is entitled.

2. The case of the concerned worklady Smt. Gyan Devi is that she was engaged as sweepress in May 1980 and continuously worked upto 8-1-87 when her services were illegally determined in breach of provision of section 25FG and H of I.D. Act.

3. The opposite party has filed reply in which, it has been alleged that the concerned worklady was engaged for whole time, instead she was engaged as casual labour. It is further alleged that opposite party is not an industry, hence reference is bad.

4. In the rejoinder nothing new has been alleged.

5. As regards the controversy about the opposite party All India Radio being an industry under the I.D. Act has been finally set at rest in the case of All India Radio versus Satish Kumar 1998 Lag. IC(969) SC, hence this point is decided against the opposite party and in favour of the concerned worklady.

6. There is no dispute that the concerned worklady had worked between 1980 upto 7-1-87 continuously. The only objection of the management is that work was taken according to need and she was casual labour and not a regular employee. Smt. Gyan Devi has stated that she had performed whole time duty from morning till after noon. Dr. Abdul Rehman M.W.1 Asstt. Station Director has stated that the concerned worklady was engaged as casual labour. However, in his cross examination he has conceded that he was not posted at the station. Hence it is obvious that he has got no personal knowledge. Thus this much is established that the concerned worklady has worked as a casual labour. This fact amply proved from Ext. M-3 and M-4 certificates filed by the worklady in which the concerned authorities has certified that the concerned worklady has worked as casual labour. The other papers filed by the management and concerned worklady do not throw any light on this controversy. Any was of the basis of above documentary evidence, I come to the conclusion that worklady was engaged as casual labour and had completed more than 240 days in a year before her removal from service.

7. Admittedly no retrenchment compensation and notice pay was given hence her termination is bad being in breach of provisions of section 25F of I.D. Act.

8. As regards delay in reference the same has been explained by filing documents, to show that the concerned worklady had been consistently making claim and the same was being denied. On other words there was correspondence

between the parties. As the concerned worklady was a casual labour she will not be entitled for any back wages.

9. In view of above my award is that termination of the concerned worklady is bad and she will be entitled for reinstatement as casual labour but without back wages.

B. K. SRIVASTAVA, Presiding Officer

Dated : 25-8-1998.

नई दिल्ली, 14 सितम्बर, 1998

का. आ. 1967.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्कैलाजिकल सर्वे आफ इंडिया, आगरा के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-9-98 को प्राप्त हुआ था।

[सं. एल-42012/276/90-आई आर (सी. यु.)]

के. वी. बी. उष्णी, डेस्क अधिकारी

New Delhi, the 14th September, 1998

S.O. 1967.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Archaeological Survey of India, Agra and their workman, which was received by the Central Government on 14-9-98.

[No. L-42012/276/90-IR (DU)]

K. V. B. UNNY, Desk Officer

## ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 162 of 1991

In the matter of dispute :

BETWEEN :

Sri Omkar Singh C/o. S. Singh,  
2/363 Namnair Agra.

AND

Superintending Archaeologist,  
A.S.I. The Mall, Sanjai Place,  
Agra.

## AWARD

1. Central Government, Ministry of Labour, New Delhi, vide notification No. 42012/276/90-I.R. (DU) dated 25-9-91, has referred the following dispute for adjudication to this Tribunal :—

Whether the Superintending Archaeologist, Archaeological Survey of India, Agra was justified in terminating the services of Sri Omkar Singh w.e.f. 20-6-89 ? If not to what relief the workman concerned is entitled ?

2. The case of the concerned workman is that he was engaged as IV class employee with the opposite party Archaeological Survey of India, Agra, his services have wrongfully been terminated w.e.f. 20-6-89 without payment of retrenchment compensation and notice pay and further in breach of provision of section 25F of I.D. Act. It is pertinent to mention that neither in the claim statement nor in the rejoinder, the date of appointment has been given.

3. The opposite party has filed reply in which it has been alleged that the concerned workman was never engaged as regular employee. Instead he was a mustor role employee and used to be engaged as and when required for repair of the building. Question of breach of provisions of Sec. 25F, G & H does not arise.

4. It may be mentioned that in this case earlier a no claim award was given by this tribunal on 24-5-96 as the auth. representative of the concerned workman had pleaded no instruction. The concerned workman filed writ petition no. 9063 of 98. By judgment an order dated 23-3-98, hon'ble High Court had set aside this order with the direction to give an opportunity to the concerned workman to plead his case. Thereafter the concerned workman was examined as W.W.1 Management had not adduced any evidence. In my opinion, for determining as to whether the case is covered by provisions of Sec. 25 F of I.D. Act it is necessary that the workman should have given the date of appointment so that it may be considered if the junior to him were retained in service, or that he had completed 240 days in a year. In the absence of appointment date this period of 240 days cannot be computed. Because of this inherent defect I come to the conclusion that the applicant workman termination for breach of provisions of section 25F or 25G has not been proved.

5. Consequently my award is that the termination of the concerned workman is not bad in law and consequently he is not entitled for any relief.

Dated : 31-8-1998.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 14 सितम्बर, 1998

का. आ. 1968.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्कैलाजिकल सर्वे आफ इंडिया, आगरा के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-9-98 को प्राप्त हुआ था।

[सं. एल-42012/73/93-आई आर (डी. यू.)]

के. वी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 14th September, 1998

S.O. 1968.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Archaeological Survey of India, Agra and their workman, which was received by the Central Government on 14-9-98.

[No. I-42012/73/93-JR (DU)]  
K. V. B. UNNY, Desk Officer

# ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 75 of 1994

In the matter of dispute :

BETWEEN :

Sri Ram Singh,  
C/o. Surendra Singh,  
2/236 Namneir Agra.

AND

Superintendent,  
Archaeological Survey of India,  
22 The Mall Agra.

## AWARD

1. Central Government, Ministry of Labour, vide notification No. L-42012/73/93 JR DU dt. 21-8-94, has referred the following dispute for adjudication to this Tribunal :—  
Whether the demand of Sri Ram Bilas son of Lakhan Singh Ex-Labour/Welder of Archaeological Survey of India for reinstatement in service with full back wages w.e.f. September, 1991 is justified ? If yes what relief the workman concerned is entitled to ?

2. The case of the concerned workman is that he was engaged as daily rated monument attendant with the opposite party. He was illegally removed from service in September, 1991 in breach of provisions of Section 25G of I.D. Act.

3. The opposite party has filed reply in which it has been alleged that the concerned workman had never worked with the opposite party. Hence question of retrenchment does not arise.

4. In the rejoinder, nothing new has been alleged. In support of his case the concerned workman Ram Bilas W.W.1 has examined himself. He has stated that he was engaged from 1-4-89 upto 31-8-91 continuously. No retrenchment compensation and notice pay was given to him. At the time of termination of his services Suresh and Virpal Singh juniors to him were working. The opposite party examined Mahesh Chandra M.W.1 who is senior Conservator. He has stated that a seniority list of worker is maintained and the concerned workman had never worked at Sikandra Manument. He has further stated that the name of the concerned workman does not exist in the seniority list and he was also not issued service card. In his cross examination he has denied the suggestion that the parentage of the concerned workman was used to be changed by way of unfair labour practice.

5. I am not inclined to believe the version of the concerned workman. He ought to have filed service card which would have established the relationship of master and servant. Hence my finding is that concerned workman had never worked with the opposite party. Accordingly my award is that the services of the concerned workman were never terminated hence question of its being illegal does not arise. As such workman is not entitled any relief.

Dated: 28-8-98.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 16 सितम्बर, 1998

का. आ. 1969.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार 506, आर्मी बेस वर्कशॉप, जबलपुर के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है जो केन्द्रीय को 16-9-98 को प्राप्त हुआ था।

[सं. एल-14011/16/91-आई आर (डी. यू.)]

के. वी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 16th September, 1998

S.O. 1969.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of 506, Army Base Workshop, Jabalpur and their workman, which was received by the Central Government on 16-9-1998.

[No. L-14011/16/91-IR. (DU)]

K. V. B. UNNY, Desk Officer

अनुबंध

केन्द्रीय औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर  
(म. प्र.)

डी. एन. दीक्षित

पीठाधीन - अधिकारी

प्र. क्र. सीजीआईटी/एलसी/आर/ 199/93

श्री अनिल शर्मा,

जनरल सेक्रेटरी,

506, आर्मी बेस वर्कशॉप श्रमिक संघ,

द्वारा : श्री बी. पी. विश्वकर्मा :

मकान नं. 841, दारुकागढ़,

लालमाटी, जबलपुर (म. प्र.)

प्राप्ति

विषय

कमान्डर,

506, आर्मी बेस वर्कशॉप,

जबलपुर—482 005 (म. प्र.)

प्रतिप्राप्ति

अवार्ड

दिनांकित : 27-8-1998

1. भारत-सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने आदेश संख्या : एल—14011/16/91—आई. आर. (डी. यू.) दिनांक 24-9-93 के द्वारा निम्नलिखित विषय निराकरण हेतु इस अधिकरण को भेजा है—

अनुसूची

“क्या प्रबंधन 506 आर्मी बेस वर्कशॉप, जबलपुर के प्रबंधकों द्वारा श्री अनिल शर्मा, जनरल सेक्रेटरी, 506 आर्मी बेस वर्कशॉप श्रमिक संघ को आपन सं. 21201/एच. क्यू. /कोआर्ड. दिनांक 3-7-91 द्वारा आरोप-पत्र जारी कर आदेश दिनांक 27-8-91 द्वारा एक वार्षिक वेतन वृद्धि रोकने जाता एवं आपन सं. 21201/एच. क्यू. /कोआर्ड. दिनांक 30-8-91 द्वारा आरोप-पत्र जारी करने की कार्यवाही न्यायोचित है। यदि नहीं तो संबंधित कर्मकार किस अनुतोष का हकदार है।”

2. श्रमिक अनिल कुमार शर्मा के अनुसार वह 506 आर्मी बेस वर्कशॉप श्रमिक संघ का जनरल सेक्रेटरी हैं। श्रमिक का ट्रेड यूनियन में काम करना प्रबंधन को

अवस्था था। इस कारण हमें आशंका प्रतीत होती है कि प्रबंधन आपकी आराजगी प्रकट करती थी। दिनांक 30-8-91 को श्रमिक को वह आरोप-पत्र दिया गया कि उसने अपने उच्च अधिकारियों से शांति गलत किया है और यह कारण बताए कि उसे इसके लिए दण्ड क्यों न दिया जाए। इसके पहले दिनांक 3-7-91 को एक आरोप-पत्र श्रमिक को दिया गया था कि उसने अपने वरिष्ठ अधिकारी के साथ दुर्व्यवहार किया था और अभद्र भाषा का प्रयोग किया था। श्रमिक ने आरोप का उत्तर दिया था। श्रमिक को एक वेतन वृद्धि एक वर्ष के लिए रोकने का दण्ड दिया गया। इस दण्ड से पहले श्रमिक के विरुद्ध विभागीय जांच नहीं की गई थी। दि. 29-8-91 की घटना वर्कशॉप के बाहर और कार्य का समय होने के पश्चात् का है। तथा कथित गालियां गेट मीटिंग में दी गई हैं। इस संबंध में आरोप नहीं लगाया जा सकता। श्रमिक चाहता है कि यह घोषित किया जाए कि उसे जो आरोप-पत्र दिनांक 30-8-91 को दिया गया वह नियमों के विपरीत है। दिनांक 27-8-91 को दिया गया एक वर्ष की वार्षिक वेतन वृद्धि रोकने का दण्ड प्रबंधनिक है तथा निरस्त किया जाए।

3. प्रबंधन के अनुसार श्रमिक 506 आर्मी बेस वर्कशॉप का कर्मचारी है और इस वर्कशॉप के नियमों से संबंध हुआ है। दिनांक 3-7-91 को श्रमिक को जो आरोप लगाया गया वह यह है कि उसने अपने आफिसर मेजर के. एन. एस. सोदी को वर्कशॉप के अंदर में गेट पर धृष्टतापूर्ण भाषा का प्रयोग किया, जिससे कि उसको अपमान महसूस हुआ। इस संबंध में श्रमिक को आरोप-पत्र दिया गया और श्रमिक ने अपना उत्तर प्रस्तुत किया। श्रमिक ने दुराचार (मिसकंडक्ट) किया था, इस कारण उसे धारा-3 सी.सी. एस. एल. 1964 के अंतर्गत दण्ड दिया गया। दण्ड यह है कि उसकी एक वार्षिक वेतन वृद्धि एक वर्ष के लिए रोक दी गई। यह आदेश दिनांक 27-8-91 का है। श्रमिक ने गेट मीटिंग में दिनांक 29-8-91 को आम करीब 4-50 बजे सिविलियन कर्नल और दूसरे आफिसरों को गालियां दीं। उनको कमीना, निकम्मा, कूता, चोर इत्यादि संबोधित किया। इस संबंध में 30 अगस्त, 91 को श्रमिक को आरोप-पत्र दिया गया। इस आरोप-पत्र पर कोई भी कार्यवाही नहीं की गई है। प्रबंधन के अनुसार श्रमिक पर नियमानुसार कार्यवाही की गई है। तथा सबसे की भावना से कोई काम नहीं किया गया है। प्रबंधन चाहता है कि श्रमिक कोई सहायता पाने का पात्र नहीं है।

4. दिनांक 27-7-97 को दोनों पक्ष उपस्थित हुए और कर्नल काय. आर. कोशल ने अपना जपथ-पत्र प्रस्तुत किया। प्रकरण दिनांक 18-9-97 को कर्नल कोशल के जपथ-पत्र पर प्रतिपरीक्षण हेतु रखा गया। दिनांक 18-9-97 को दोनों पक्ष न्यायालय में अनुपस्थित रहे। दिनांक 23-10-97 को प्रबंधन की ओर से कर्नल कोशल उपस्थित हुए, किन्तु श्रमिक की ओर से कोई उपस्थित नहीं हुआ। यह स्थिति दिनांक 12-12-97 को रही। दिनांक 17-2-98 को श्रमिक उपस्थित नहीं हुआ। प्रबंधन की ओर से कर्नल कोशल उप-

स्थित रहे। दिनांक 30-3-98 को पुनः श्रमिक अनुपस्थित रहा, जबकि प्रबंधन की ओर से कर्नल कौशल उपस्थित हुए। श्रमिक चुकि लगातार 5 पेशियों में अनुपस्थित रहा, इस कारण प्रकरण अवाध के लिए रखा गया। ऐसा प्रतीत होता है कि श्रमिक को अब इस रिफरेंस में कोई रुचि नहीं है।

5. दिनांक 3-7-91 को श्रमिक को जो आरोप-पत्र दिया गया उसमें उल्लेख है कि श्रमिक ने धृष्टपूर्ण भाषा (इंसोलेंट लैंग्वेज) का प्रयोग मेजर सोदी के लिए किया और जिससे वे अपमानित महसूस हुए। इस संबंध में मेजर सोदी ने श्रमिक के विरुद्ध लिखित रिपोर्ट की। श्रमिक ने इसका उत्तर 16-7-91 को प्रस्तुत किया। श्रमिक पर नियम 9(1) सी.सी.एस. रूल के अन्तर्गत एक वार्षिक वेतन वृद्धि एक वर्ष के लिये रोकने का आदेश 27-8-91 को पारित किया गया।

6. रूल 9(1) सी.सी.एस. (सी.सी.ए.) रूल, 65 में डिस्मिप्सीनरी अथार्टी को अधिकार है कि वह मिसकंडक्ट के लिये कर्मचारी को दण्ड दे सकता है। यह आवश्यक नहीं कि दण्ड के पहले विभागीय जांच की जाये। इस प्रकार श्रमिक को दिया गया दण्ड नियमों के अनुसार है।

7. दिनांक 3-8-91 को श्रमिक को आरोप-पत्र दिया गया कि उसने 29-8-91 को शाम 4-50 बजे गेट मीटिंग में बिरोडियर सेठी, कर्नल मलिक और अन्य के लिए अपशब्द जैसे निकम्मा, कमीना, कुत्ता, चोर इत्यादि कहे। इसका उत्तर श्रमिक ने मांगा गया है। वर्तमान रिफरेंस होने के कारण यह कार्यवाही अभी खंबित है। 3-8-91 की चार्जशीट देने के आधार है। यह नहीं कहा जा सकता कि यह कार्यवाही बिना आधार के है। इसमें हस्तक्षेप की आवश्यकता नहीं है।

8. ऊपर लिखी बिबेचना का निष्कर्ष यह है कि श्रमिक को एक वार्षिक वेतन वृद्धि रोके जाने का दण्ड नियमानुसार है और वैधानिक है। आरोप दिनांक 3-8-91 की कार्यवाही न्यायोचित है। श्रमिक अनिल कुमार शर्मा किसी भी अनुतोष का अधिकारी नहीं है। इसी अनुसार अवार्ड दिया जाता है। दोनों पक्ष इस प्रकरण का अपना-अपना खर्च वहन करें।

9. नियमानुसार अवार्ड की प्रतियां भारत सरकार, श्रम मंत्रालय नई दिल्ली को प्रेषित की जाती हैं।

डी. एन. दीक्षित, पीठासीन अधिकारी

नई दिल्ली, 16 सितम्बर, 1998

का.आ. 1970 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.एस.आई. अस्पताल के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट

औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 16-9-98 को प्राप्त हुआ था।

[(सं. एल-15012/1/97-आई.आर. (विविध)]

के.वी.बी. उण्णी, डैस्क अधिकारी

New Delhi, the 16th September, 1998

S.O. 1970.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employees in relation to the management of E.S.I. Hospital and their workman, which was received by the Central Government on 11-9-1992.

[No. L-15012/1/97-IR (M)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

L. D. No. 19/98

In the matter of dispute :

BETWEEN

Shri Jai Karan through  
All India Engg. and General Mazdoor Union,  
The General Secretary, E-127,  
Karampura,  
New Delhi-110015..

Versus

The Deputy Director (Admn.)  
E.S.I. Hospital,  
Basaidarapur, Ring Road,  
New Delhi-110015.

APPEARANCES :

None—for the workman.

Shri Mahender Kumar—for the management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-15012/1/97-IR (M) dated 31-12-97 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of E.S.I. Hospital at Basai Darapur, New Delhi-15 in terminating the services of Shri Jai Karan, Sweeper is just, fair and legal? If not, what relief the workman is entitled to?"

2. Notice was sent to the parties. However, Management appeared on 23-2-98 but the workman did not appear. Workman did not appear on 26-3-98, 12-5-98 and 3-9-98 for which registered notices were sent to him. It appears that the workman is not interested in pursuing this dispute and, therefore, a No Dispute award is given in this case leaving the parties to bear their own costs.

Dated : 10th September, 1998

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 16 सितम्बर, 1998

का.आ. 1971.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.एस.आई. अस्पताल के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट

औद्योगिक विवाद में केन्द्रीय सरकार का औद्योगिक अधिकरण नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-9-98 को प्राप्त हुआ था।

[सं. एल.-15012/5/97-आई.आर. (विविध)]

के. वी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 16th September, 1998

S.O. 1971.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of E.S.I. Hospital and their workman, which was received by the Central Government on the 16-9-1998.

[No. L-15012/5/97-IR (Misc.)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL : NEW DELHI

I. D. No. 18/98

In the matter of dispute :

#### BETWEEN

Shri Jagu, Mali through  
All India Engg. and General Mazdoor Union,  
The General Secretary, E-127,  
Karampura, New Delhi-110015.

Versus

The Deputy Director (Admn.),  
E.S.I. Hospital,  
Basai Darapur, Ring Road,  
New Delhi-110015.

#### APPEARANCES :

None—for the workman.  
Shri Mahender Kumar—for the Management.

#### AWARD

The Central Government in the Ministry of Labour vide Order No. L-15012/5/97-IR (M) dated 31-12-97 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of ESIC Hospital at Basai Darapur, New Delhi-15 in terminating the services of Shri Jagu, Mali is justified fair and legal ? If not, what relief the workman is entitled to ?"

2. Notice was sent to the parties. However, the Management appeared on 23-2-98 but the workman did not appear. Workman again did not appear on 26-3-98, 12-5-98 and 3-9-98 for which registered notices were sent to him. It appears that the workman is not interested in pursuing this dispute and, therefore, a No Dispute award is given in this case leaving the parties to bear their own costs.  
Dated : 10th September, 1998

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 16 सितम्बर, 1998

का. आ. 1972:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार किरिबुरु आयर्न ओरी माईन के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध

में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-9-98 को प्राप्त हुआ था।

[सं. एल.-26012 (15/96—डी-III (बी))/IV (बी)]

के. वी. बी. उण्णी डेस्क अधिकारी

New Delhi, the 16th September, 1998

S.O. 1972.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Kiriburu Iron Ore Mine and their workman, which was received by the Central Government on 16-9-1998.

[No. L-26012/15/86-D.III (B)/IV (B)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

#### PRESENT :

Shri B. B. Chatterjee, Presiding Officer.  
In the matter of an industrial dispute under Section 10(1)(d)

of the I. D. Act, 1947

Reference No. 277 of 1987

#### PARTIES :

Employers in relation to the management of Kiriburu Iron Ore Mine and their workman.

#### APPEARANCES :

On behalf of the workmen—None.

On behalf of the employers—None.

STATE : Bihar

INDUSTRY : Iron Ore

Dhanbad, the 7th September, 1998

#### AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-26012/15/86-D.III (B)/IV (B) dated, the 25th September, 1987.

#### SCHEDULE

"Whether the action of the management of Kiriburu Iron Ore Mine is justified is superannuating Sri Md. Salim, H.V. Driver w.e.f. 31-12-85 ? If not, to what relief the workman concerned is entitled ?"

2. Soon after the receipt of the order of reference notices were duly served upon the parties. But none of the parties turned up before this Tribunal nor took any steps. Thereafter the case proceeded along its course. Then again notices were issued to them but in spite of the issuance of the notices none of the parties appeared nor took any steps. It therefore leads me to an inference that presently there is no dispute existing between them and in the circumstances, I have no other alternative but to pass a 'No dispute' Award in this reference.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 16 सितम्बर, 1998

का०आ० 1973:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमरण में, केन्द्रीय सरकार सतना स्टोन एंड लाईम कंपनी लि० के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर, के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-9-98 को प्राप्त हुआ था।

[सं० एल०-29012/12/89-आई०आर० (विविध)]  
के०वी०वी० उष्णी, डेस्क अधिकारी

New Delhi, the 16th September, 1998

S.O. 1973.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Satna Stone and Lime Company Ltd., and their workman, which was received by the Central Government on 16-9-1998.

[No. L-29012/12/89-IR (Misc.)]  
K. V. B. UNNY, Desk Officer

अनुबन्ध

केन्द्रीय औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर

डी०एन० दीक्षित

पीठासीन अधिकारी

प्र०क्र० सी०जी०आई०टी०/एल०सी०/आर०/71/89

श्री चन्द्रपाल सिंह

आत्मज गजराज सिंह,

माडल हाईस्कूल के पीछे,

रीवा रोड, कृष्णनगर,

सतना (म०प्र०) 485001

...प्राप्ति

विरुद्ध

माइन्स मैनेजर,

सतना स्टोन एंड लाईम कंपनी लि०,

पो०बा० न० 10,

सतना-458001 (म०प्र०)

...प्रतिप्राप्ति

अवार्ड

दिनांक 28-08-1998

1. भारत सरकार श्रम मंत्रालय, नई दिल्ली ने अपने आदेश संख्या: एल-29012/12/89-आई०आर० (विविध) दिनांक 14-9-89 के द्वारा निम्नलिखित विवाद निराकरण हेतु इस अधिकरण को भेजा है:—

अनुसूची

“क्या सतना स्टोन एंड लाईम कंपनी लिमिटेड, सतना (म०प्र०) के प्रबन्धकों द्वारा श्री चन्द्रपाल सिंह, फोरमैन की सेवाएं आदेश दिनांक 14-6-88 से

समाप्त किये जाने की कार्यवाही न्यायोचित है। यदि नहीं तो, संबंधित कर्मकार किस अनुतोष का हकदार है।”

2. श्रमिक चन्द्रपाल सिंह, के अनुसार वह सतना स्टोन एंड लाईम कंपनी, सतना में फोरमैन था तथा उसने वर्ष 59 से सेवा प्रारम्भ की थी। श्रमिक पूरी लगन और क्षमता से निष्ठापूर्वक अपना कार्य किया। श्रमिक के विरुद्ध आरोप पत्र दिया गया और इसके पश्चात् विभागीय जांच हुई। श्रमिक ने आरोपों का उत्तर दिया। विभागीय जांच श्री बी०के० निगम, एडवोकेट ने की। श्रमिक चाहता था कि उसे प्रक्ष समर्थन के लिए एडवोकेट प्रस्तुत करने का अवसर दिया जाए, किन्तु यह अवसर उसे नहीं दिया गया। ऐसी स्थिति में श्रमिक अपना पक्ष सबूत प्रभावशाली ढंग से विभागीय जांच में प्रस्तुत नहीं कर सका। विभागीय जांच में श्रमिक को दोषी पाया तथा नियंत्रक अधिकारी ने श्रमिक की सेवाएं समाप्त की। जांच में दोषी होने के निष्कर्ष तथ्यों के विपरीत है और मनगढ़न्त है। श्रमिक को जो बर्खास्त किया गया, वह कष्टाकरण की तुलना में बहुत ज्यादा है। श्रमिक ने 59 से लगातार प्रबन्धन की निष्ठापूर्वक सेवा की है और ऐसी स्थिति में इतना कठोर बर्खास्त न्यायोचित नहीं है। वस्तुस्थिति यह है कि प्रबन्धन श्रमिक से इसलिए नाराज था कि उसने एक प्रकरण धारा—33—सी (2), औद्योगिक विवाद अधिनियम, 1947 के अन्तर्गत इस न्यायालय में प्रस्तुत किया था। श्रमिक चाहता है कि विभागीय जांच नियमों के विपरीत होने से उसका सेवानिवृत्ति का आदेश अवैध है और निरस्त होने योग्य है। श्रमिक सेवानिवृत्ति दि० 14-6-88 वापस करने की तारीख तक नियमों के अनुसार वेतन मंदा भी चाहता है।

3. प्रबन्धन के अनुसार दिनांक 28-12-87 को श्री बी०के० निगम, एडवोकेट सतना स्टोन एंड लाईम कंपनी ने लिखित रिपोर्ट की कि श्री चन्द्रपाल सिंह, फोरमैन को अस्पताल ध्वारी के चर्कर्स बीच 7, 8, 9, 13, 14, 16, 22 और 23 को 63 दिनों के 152 एम एम तक लाईम स्टोन निकलवाकर जाने के आदेश दिये गये। ये आदेश दिनांक 21-12-87, 22-12-87, 23-12-87, 24-12-87, 25-12-87 और 27-12-87 को श्रमिक श्री चन्द्रपाल सिंह को दिये गये। श्रमिक ने किसी भी आदेश का पालन नहीं किया, जिसके कारण प्रबन्धन कंपनी को काफी मात्रा में आर्थिक क्षति हुई। कंपनी के जो अनुबन्ध थे, उनकी पूर्ति भी समय पर नहीं हो सकी और कंपनी की साख को धक्का लगा। दिनांक 1-1-88 को श्रमिक के विरुद्ध आरोप पत्र दिया गया। इस आरोप का उत्तर श्रमिक ने दि० 4-1-88 में दिया। दिनांक 17-1-88 को विभागीय जांच के आदेश हुये और श्री बी०के० निगम, एडवोकेट को जांचकर्ता अधिकारी बनाया गया। श्रमिक ने अपनी तरफ से प्रतिरक्षण के लिए श्री सी०एस० लिखारी, जनरल सेक्रेटरी, यूनियन को प्रस्तावित किया गया, जो स्वीकार किया गया।

विभागीय जांच में प्रबंधन ने श्रमिक के विरुद्ध साक्ष्य प्रस्तुत की और श्रमिक के साथी श्री सी. एस. तिवारी ने सभी गवाहों का प्रतिपरीक्षण किया। विभागीय जांच में पूर्ण अवसर श्रमिक को अपने प्रतिरक्षण के लिए दिया गया। जांच अधिकारी ने श्रमिक को उस पर लगाये गये आरोपों का दोषी पाया और अपनी रिपोर्ट प्रस्तुत की। श्रमिक के विरुद्ध दिनांक 14-6-88 से सेवानिवृत्ति का आदेश नियंत्रक अधिकारी ने पारित किया। श्रमिक का यह कहना गलत है कि उसने धारा—33सी (2), औद्योगिक विवाद अधिनियम, 1947 के अन्तर्गत प्रकरण प्रस्तुत किया था, इस कारण उसे सेवा से पृथक् किया गया। वास्तव में श्रमिक को आरोप-पत्र दे दिया गया इसके पश्चात् श्रमिक ने यह प्रकरण प्रस्तुत किया है। श्रमिक को ग्रेप्पूटी और दूसरे मर्चों के भुगतान किये जा चुके हैं। श्रमिक को जो दण्ड दिया गया, वह कदाचरण के अनुरूप है। प्रबंधन चाहता है कि श्रमिक को दिये गये दण्ड में हस्तक्षेप न किया जाए।

4. इस न्यायालय ने दिनांक 14-2-91 को यह आदेश दिया कि श्रमिक के विरुद्ध जो विभागीय जांच हुई थी, वह वैधानिक और नियमों के अनुसार है।

5. वर्तमान प्रकरण में अब यह देखना है कि श्रमिक को जो दण्ड दिया गया, वह विधिवत है तथा श्रमिक के विरुद्ध कदाचरण का आरोप सिद्ध हुआ अथवा नहीं।

6. विभागीय जांच में श्रमिक के विरुद्ध श्री जे. पी. गुप्ता, एडीशनल माइन्स मैनेजर के कथन कराये हैं और इन्होंने शपथ पर कथन दिया है। इन्होंने दिनांक 22-12-87, 23-12-87, 24-12-87, 25-12-87 और 27-12-87 को श्रमिक को आदेश दिया था कि वह मजदूरों से बेच नं. 2, 3, 7, 8, 9, 13, 14, 16, 22, 23 से लाईम स्टोन साइज 63 एम.एम. से 152 एम.एम. निकलवाकर भट्टे को भेजे। श्रमिक ने इन आदेशों का पालन नहीं किया। दिनांक 25-12-87 को श्रमिक ने श्री जे. पी. गुप्ता से यह कहा कि वे केवल काम की बात करते हैं, वेतन बढ़ाने की बात नहीं करते। श्री जे. पी. गुप्ता ने जब मजदूरों से बात की, तो मजदूरों ने बताया कि श्रमिक के कारण वे माल नहीं निकाल रहे हैं।

7. दिनांक 28-12-87 को श्रमिक छुट्टी चला गया और उसका कार्य श्री जयकरण सिंह ने सम्हाला। श्री जयकरण सिंह ने विभागीय जांच में कथन दिया है कि मजदूरों को फोरमेन श्री चन्द्रपाल सिंह ने अंधेरे में रखा तथा उनको वास्तविक स्थिति नहीं बताई। गवाह जयकरण सिंह ने जब मजदूरों को सही बातें बताईं तो इन्होंने मजदूरों ने दिनांक 28-12-87 को 23 टन लोड भट्टे को भिजवाया। यह स्पष्ट हो जाता है कि श्रमिक चंद्रपाल सिंह ने एडीशनल माइन्स मैनेजर के आदेशों का जानबूझकर उल्लंघन किया और प्रबंधन को आर्थिक तथा व्यावसायिक नुकसान पहुंचाया।

8. श्रमिक ने प्रदर्शन-पी-4 से प्रदर्शन-पी-10, दैनिक रिपोर्ट दिनांक 22-12-87 से 29-12-87 तक भेजी है। किसी भी रिपोर्ट में यह उल्लेख नहीं है कि मजदूरों को मजदूरी के संबंध में कोई आशंका या विवाद था। यह तथ्य भी विचारणीय है कि जब श्रमिक छुट्टी में था तब 28-12-87 को इन्होंने मजदूरों ने काम किया और 23 टन माल भट्टे को भेजा।

9. विभागीय जांच में यह स्पष्ट हो गया कि मजदूरों को मजदूरी के संबंध में कोई विवाद नहीं था। माल इसलिए नहीं निकाला गया, क्योंकि श्रमिक ने लापरवाही बरती और अपने कर्तव्य का पालन नहीं किया।

10. सर्टिफाइड स्ट्रेडिंग आर्डर रघुराजनगर लाईम स्टोन क्वारी—सतना स्टोन एंड लाईम कंपनी के पैरा—17 (3) (ए) में यह उल्लेख है कि जहां पर कोई श्रमिक अकेला या दूसरे लोगों के साथ अपने वरिष्ठ अधिकारी के आदेशों का जानबूझकर उल्लंघन करें, वहां वह दण्ड का भागीदार होगा। श्रमिक ने जानबूझकर अपने वरिष्ठ अधिकारी के आदेशों का लगातार उल्लंघन किया है, इसलिए प्रबंधन उसे दण्ड देने के लिए सक्षम है।

11. श्रमिक की ओर से यह तर्क दिया गया कि विभागीय जांच में उसे एडवोकेट करने की अनुमति नहीं दी गई। प्रबंधन का पक्ष समर्थन श्री डी. जी. मुकजी कर रहे थे। ये विधि स्नातक नहीं हैं और एडवोकेट भी नहीं हैं। श्रमिक का पक्ष समर्थन यूनिन जनरल सेक्रेटरी श्री सी.एस. तिवारी ने किया जो इंडस्ट्रियल डिस्प्यूट एक्ट के प्रावधानों से पूर्ण रूप परिवर्तित है और जिनको इस प्रकार के पक्ष समर्थन का पूर्व अभ्यास है। इस प्रकार श्रमिक को एडवोकेट विभागीय जांच में प्राप्त नहीं होने से कोई नुकसान नहीं हुआ। उसका पक्ष समर्थन बहुत योग्यता से उसके साथी श्री सी. एस. तिवारी ने किया।

12. श्रमिक फोरमेन था और उसका काम मजदूरों से काम लेना था। श्रमिक ने अपने कर्तव्य का पालन नहीं किया, जिसके कारण उत्पादन कम हुआ और प्रबंधन को आर्थिक नुकसान हुआ तथा समय पर माल नहीं देने के कारण उनकी साथ गिरी। ऐसी स्थिति में सेवानिवृत्ति के आदेश विधिवत है और कदाचरण के अनुरूप है।

13. ऊपर लिखी विवेचना का निष्कर्ष यह है कि श्रमिक की सेवाएं नियमों के अनुसार 14-6-88 से समाप्त की गई है और इसमें हस्तक्षेप की आवश्यकता नहीं है। अवाई दिया जाता है कि है श्रमिक चंद्रपाल सिंह किसी भी सहायता पाने के अधिकारी नहीं है। दोनों पक्ष इस प्रकरण अपना व्यय वहन करें।

14. नियमानुसार अवाई की प्रतियां भारत सरकार, श्रम मंत्रालय, नई दिल्ली को प्रेषित की जाती है।

डी. एच. दीक्षित, पीठासीन अधिकारी

नई दिल्ली, 16 सितम्बर, 1998

कां०आ० 1974 :—औद्योगिक विवाद अधिनियम, 1447 (1447 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुंबई पोर्ट ट्रस्ट के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं० 2, मुंबई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-9-98 को प्राप्त हुआ था।

[मं एल -31012/6/97-आई आर (विधि)]  
के०वी०बी० उण्णी, डेस्क अधिकारी

New Delhi, the 16th September, 1998

S.O. 1974.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Mumbai Port Trust and their workman, which was received by the Central Government on the 16-9-98.

[No. L-31012/6/97-IR(Misc.)]  
K.V.B. UNNY, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II MUMBAI PRESENT :

Shri S. B. Panse—Presiding Officer.

REFERENCE NO. CGIT-2/46 OF 1997

Employers in relation to the management of  
Mumbai Port Trust.

And

Their workmen.

#### APPEARANCES :

For the Employer—Mr. M. B. Anchan, Advocate.

For the Workmen—Mr. Jaiprakash Sawant, Advocate.

#### AWARD—PART-I

Mumbai dated 25th, August, 1998

The Government of India, Ministry of Labour, by its Order No. L-31012/6/97-IR(Misc.), dated 17-9-97, had referred to the following Industrial Dispute for adjudication.

“Whether the action of the Docks Manager, Mumbai Port Trust, in dismissing the service of the workman Shri Harishchandra T. Ghag, A-Category Mazdoor, I. No. 664 is justified? If not, to what relief the workman is entitled?”

2. The workman Harishchandra T. Ghag pleaded that the Docks Manager, Mumbai Port Trust suspended him w.e.f. 6-3-87, on the ground that a case against him in respect of the criminal offence was under trial and he was detained in the custody on 6-3-87 for a period exceeding 48 hours.

3. On 29th July, 1988 a chargesheet was issued to him wherein it is contended that on 27-6-87 Shri Gunaji Bhikaji Masurkar in the presence of Panchas stated that alongwith Harishchandra Ghag, Ashok Chavan and Ors. had stolen six boxes containing film rolls from shed No. 17 Indira Dock on 15-2-87. .... Thus, Ghag has committed misconduct, punishable under Rule 22(2)(B) of the Bombay Port Trust Rules and Regulation for non schedule staff and misconduct of violation of Regulation 3(1) of the B.P.T. Employees Conduct Regulations 1976 and have thereby rendered himself liable to the disciplinary proceedings under Regulations 8 & 12 of the B.P.T. employees (Classification) (Control & Appeal) Regulations 1976.

4. The workman pleaded that in a departmental proceeding no evidence was lead before the inquiry officer which can be said to be trust worthy against him. It is averred that the Panchas in whose presence the employee Masavkar is alleged to be seen that such an offence was committed was not produced. It is averred that the witnesses which were examined by the workmen were not relied upon. It is submitted that in the mean time the Metropolitan Magistrate before whom a criminal case in respect of the same was pending acquitted him and others. That Judgment was produced before the inquiry officer. The inquiry officer did not consider the same. It is averred that the domestic inquiry which was held against the workman was against the Principles of Natural Justice and the findings of the inquiry officer are perverse. The Judgment was delivered on 23-10-89 by the Metropolitan Magistrate. Infact under such circumstances the inquiry was not at all necessary in the matter. It is averred that the order of disciplinary authority of dismissing the workman is contrary to the law and it be set aside and the workman may be directed to be reinstated in service alongwith consequential reliefs.

5. The management resisted the claim by the Written Statement (Exhibit-7). It is averred that the domestic inquiry which was held against the workman was as per the Principles of Natural Justice and the findings of the inquiry officer are based on the evidence before him. The disciplinary authority had rightly taken action against the workman.

6. The management averred that the facts which gave rise to the present industrial Dispute can be said to be that one M.G. Naik, Assistant Shed Superintendent was on duty on 17-2-87 at Shed No. 17 Indira Dock. He noticed some empty cartones on the north side of 'F' Bay. On checking he observed that one pallet had a torn corner lying on lift No. 2. He immediately informed Vijay Deshmukh, Police Constable No. 9341 and asked him to inform the Yellow Gate Police Station. After further investigation they found that, that pallet was part of the consignment in item No. 18 of I.G.M. No. 260 of vessel 'BOIZEN-BURG'. Then the police came on the spot prepared the Panchnama then the spot inspector started investigation. He arrested the suspected employees. Two of them gave a statement and a Panchnama to that effect was prepared and on its basis in presence of the Panchas stolen property was recovered. The

employees also gave statements before the Sub-Inspectors and a Criminal case was lodged against them. At the same time a departmental inquiry was initiated. It is submitted that in a full fledged departmental inquiry the workman was found guilty of the charges levelled against him and the punishment which is awarded is strictly as per the law. It is submitted that the workman is not entitled to any of the reliefs.

7. The issues that fall for my consideration are at Exhibit-12. The issues Nos. 1 & 2 are preliminary issues. The issues and my findings there on are as follows :

Issues	Findings
1. Whether the domestic inquiry which was held against the workman was against the Principles of Natural Justice ?	No.
2. Whether the findings of the inquiry officer are perverse ?	Yes.

#### REASONS

8. Harishchandra Ghag (Ex-13) accepts the position that he received a chargesheet and replied the same. There were six other persons alongwith him who were chargesheeted. It was a joint inquiry. They were represented by Kunda Sawant the Secretary of the Union. There is no dispute that they received the documents relied by the management and the witnesses who were examined in the inquiry were thoroughly cross-examined by their representative. The workman did not examine himself as a witness but they examined defence witnesses in the inquiry. They received the inquiry report and a show cause notice of proposed punishment. He received a dismissal order and his appeal against that order was dismissed. From his evidence it cannot be said that the domestic inquiry which was held against the workman was against the Principles of Natural Justice.

9. Mr. Sawant, the Learned Representative for the workman argued that the chargesheet which was issued to the workman was not proper and ambiguous. After going through the chargesheet I find that there is no ambiguity in it. Infact the workman had given explanation to the same. There is no merit in the argument. The second point which was raised by the Learned Representative is that as the workman was acquitted in a criminal trial in respect of the said charges the inquiry should have been dropped. As it is not dropped it is against the Principles of Natural Justice. I am not inclined to accept this submission. The reason is that at the most when the inquiry officer can do is to take into consideration the Judgment of the criminal court while preparing the report. He cannot stop the proceedings. I therefore, find that the inquiry which was held against the workman was as per the Principles of Natural Justice.

10. Ghag (Ex-13) affirmed that first he was placed under suspension and later on by issuing a chargesheet a domestic inquiry was initiated against him. The chargesheet which was issued to him is at Exhibit-9/1. The first page of the chargesheet states

that M.G. Naik the Superintendent who was posted in shed No. 17, was on duty on 17-2-97. He noticed some empty cartons on the north side of 'F' Bay. On checking it was found that about 2,011 film rolls from 6,000 rolls pallet were missing. On page 2 of the chargesheet in the beginning it is mentioned that in this connection the workman alongwith others were arrested.

11. In the next paragraph there is an averment in respect of the statement made by one Rajhira accused in police custody on 28-2-87. In presence of Panchas and the discovery of the stolen property from one Mr. Jain. Then thereafter in the next para which states "On 27-6-1987 Shri Gunaji Bikaji Masavkar in the presence of Panchas states that he along with Harishchandra Ghag, Ashok Chavan and Others had stolen six boxes containing film rolls from Shed No. 17 I.D. on 15-2-1987 Shri G. B. Mavaskar volunteered to show the shop and person with whom he and Harishchandra had kept the said film roll boxes. Shri G. B. Masavkar led the police and panchas to Room No. 13, Building No. 4/16, First Floor, M. K. Amin Marg and pointed a person who gave his name as Gopalsinha Sohansinha Rajput from whom the following :

- (1) One big size card board box containing 14 packets each containing 10 film rolls and 8 pieces of film rolls bearing letters Agfa Color XR—100—136 DX Made in Germany.
- (2) Five card board boxes bearing letters Agfa Gevart No. 104711479 each containing 100 film rolls. Made in Germany and was recovered was taken charge of by the Police in the presence of Panchas."

Thereafter it is mentioned that the workman and six others have committed misconduct 'punishable under Rule 22(2)(b) of the BPT Rules and Regulations for Non-scheduled staff and misconduct of violation of Regulation 3(1) of the BPT Employees (Conduct) Regulations 1976 and have thereby rendered themselves liable to disciplinary proceedings under Regulations 8 and 12 of the BPT Employees (Classification, Control and Appeal) Regulations, 1976.'

12. It is not in dispute that the workman along with others was challaned by the police. A criminal case No. 397/P of 1987 was registered in the 16th Court of Additional Chief Metropolitan Magistrate, Ballard Pier. In the case Ghag the present workman was accused No. 3. No certified copy of the chargesheet is produced on the record but from the Judgment (Ex-9/12) it reveals that the charge against workman was under section 414 read with section 114 of the Indian Penal Code. It deals with disposal of the stolen property. In other words it can be said that it pertains to the same incident on which the domestic inquiry was started against the workman. The workman was acquitted in that case. He is not acquitted on technical grounds but it is an acquittal on merits. The Learned Metropolitan Magistrate found that there is no evidence against the workman.

13. Mr. Sawant, the Learned Advocate for the workman argued that as the charges were same the evidence was same in the both the matters and as the Learned Magistrate had acquitted the workman the inquiry officer should have also come to the conclusion that the charges levelled against the workman are not proved. As against that Mr. Anchan, the Learned Advocate for the management argued that the charges were different. The evidence lead in both the proceedings were different. Therefore the conclusions drawn by the inquiry officer cannot be said to be perverse.

14. I have already referred to above the charge in the criminal trial and the charge in the domestic inquiry. No doubt there is a difference. But that difference has to be there because one charge is under the Indian Penal Code and the other under the Rules of the MBPT. But the fact remains that they are based on the incident of the theft which took place in Dock No. 17 and which was noticed by Naik on 17-2-87. After going through the averments in the charge which was given to the workman in a domestic inquiry and from the recitals of the Metropolitan Magistrate's Judgment I find that it relates to the same offence/Act. There is no difference which can be said to be worth mentioning.

15. After perusal of the Judgment it reveals that the prosecution examined five witnesses in that proceeding viz. Vijay Deshmukh (PW-1); Malu Naik (PW-2); Vaman Tukaram Mane (PW-3) Achrekar (PW-4) and Ibrahim Gafur (PW-5). The Learned Magistrate considered their evidence and came to the conclusion that the charges are not proved.

16. Now it is to be seen whether the same evidence was before the inquiry officer or there was other evidence for his consideration. Malu Naik, Vijay Deshmukh and Achrekar which was examined before the Metropolitan Magistrate were also examined in the inquiry proceedings and there were other 7 witnesses on behalf of the management and 2 witnesses on behalf of the workman. Now it is to be seen whether this additional evidence which was lead by the management in a domestic inquiry is sufficient to prove the charges. Tawde (Management witnesses No. 1) and Sunil Keshav (MW-5) are the witnesses on the spot Panchnama dated 17-2-87. This panchnama does not connect the workman with the offence.

17. R. T. More (MW-6) does not know anything in respect of the incident and his evidence has no value. Goward Pillai (MW-8) is the owner of the consignment which was broken and the film rolls were stolen away. Sudhakar Mahadik (MW-9) is a parish who affirms that he signed the Panchnama in the police station which was ready and some property was kept there. Again his evidence does not help the management to prove the charges against the workman.

18. K. S. Khare (Exhibit-7) is the sub-inspector of police. He affirmed that Rajihira is an accused who was in police custody and had made a statement that he alongwith A. S. Chavan and other committed theft at 17, Indira Dock and disposed off the stolen property. He had further affirmed that he had recorded the statements of the accused who were arrested and he admitted the offence. Ghag, the workman was

arrested by him on 6-3-87. His statement is produced at Exhibit-11/11. In this statement it appears that he had mentioned that he and other broke open the pallet, removed the films from it and filled it in a gunny bag. He had given the quantity of the same. It is tried to submit that on this basis it has to be said that the charges against the workman are proved. So far as the testimony of Kachra is concerned now it is to be seen whether it is corroborated by any other piece of evidence. There is no such evidence on the record. On the contrary the defence witness Vinod Abhyankar affirmed that the Panchnama was signed by him in the Yellow Gate Police Station. He further affirmed that no statement was made before him by anybody called Gurumukh Savakaram Rajihira. He further affirmed that he had not taken by the police alongwith that accused at any place. That second defence witness Roshanlal Jain who is accused No. 10 in the criminal case states that nothing was found from his shop nor any accused or Panchas came to him in their presence the property was recovered and the Panchnama was drawn. From their cross-examination nothing had come on the record for coming to the conclusion that they are depositing falsely.

19. In fact even though the other witnesses were examined before the inquiry officer the material witnesses were examined before Metropolitan Magistrate. The evidence was practically one and the same. Mr. Sawant, the Learned Representative of the workman placed reliance on Chandrakant Rajoji Gaonkar Vs. BPT & Ors. 1995 CLR 860 where the Lordships observed that on the basis of the same material and on the basis of reappraisal of the same evidence which was before the criminal court without anything more it is not open to the disciplinary authority to take a contrary view and if this is permitted then it would render the judicial system Negatory. That was a case wherein the charges in the domestic inquiry and in the criminal case were the same. The evidence was the same. The Criminal court acquitted the workman accused, after appreciating the evidence before it. This fact was brought to the notice of the inquiry officer but instead of relying upon the findings in that proceedings it came to a different conclusion. Therefore their Lordships came to the conclusion which I have stated above. Delving on the ration in this authority I find that the findings of the inquiry officer are perverse. I have already discussed above the additional evidence which was lead in the domestic inquiry by the management but it cannot prove the charges against the worker. In other words it has to be said that the findings of the inquiry officer are perverse. In the result I record my findings on the issues accordingly and pass the following order :

#### ORDER

1. The domestic inquiry which was held against the workman was as per the principles of Natural Justice.
2. The findings of the inquiry officer are perverse.
3. The management is allowed to lead evidence to justify their action.

S. B. PANSE, Presiding Officer

नई दिल्ली, 16 सितम्बर, 1998

not, to what relief the workman is entitled?"

का.आ. 1975.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुंबई पोर्ट ट्रस्ट के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, सं. 2, मुंबई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-9-98 को प्राप्त हुआ था।

[सं. एल -31012/7/97-आई.आर. (विविध)]  
के.वी.बी. उणी, डेस्क अधिकारी

New Delhi, the 16th September, 1998

S.O. 1975.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Mumbai as shown in the Annexures, in the industrial dispute between the employers in relation to the management of Mumbai Port Trust and their workman, which was received by the Central Government on 16-9-98.

[No. L-31012/7/97-IR (Misc.)]  
K. V. B. UNNY, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. II, MUMBAI  
PRESENT :

Shri S. B. PANSE, Presiding Officer.

REFERENCE NO. CGIT-2/47 OF 1997

BETWEEN :

Employers in relation to the management of  
Mumbai Port Trust

AND

Their Workmen.

APPEARANCES :

For the Employer : Mr. N. B. Anchan, Advocate.

For the Workmen : Mr. Jaiprakash Sawant Advocate.

Mumbai, dated 25th August, 1998

## AWARD—PART-I

The Government of India, Ministry of Labour by its Order No. L-31012/7/97-IR (Misc.) dated 17-9-97, had referred to the following Industrial Dispute for adjudication :

"Whether the action of the Bombay Port Trust, in dismissing the service of Shri Ramesh R. Jadhav, Mazdoor, B-Category, I. Card No. 7666 after acquittal from the criminal case and not considering for reinstatement is justified. If

2. Ramesh R. Jadhav, the workman pleaded that he works as a Mazdoor in Mumbai Port Trust in Docks Department from October 1980. He is a permanent workman. He was suspended by Docks Manager w.e.f. 12-3-87 on the ground that a case against him in respect of a criminal offence was under trial and he was detained in the custody on 12-3-87 for a period exceeding 48 hours.

3. On 29th July, 1988 a chargesheet was issued to him wherein it is contended that on 28-2-87 Shri Gurusukh Sevakram Rajhina in the presence of Parchas stated that he alongwith ASHOK Chavan, Keshav Mhatre and Ramesh Jadhav and others had stolen six boxes containing films pools from shed No. 17, Indira Dock on 15-2-87. Thus Jadhav had committed misconduct punishable under Rule 22(2)(B) of the Bombay Port Trust Rules and Regulation for non schedule staff and misconduct of violation of Regulation 3(1) of the B. P. T. Employees Conduct Regulations 1976 and have thereby rendered himself liable to the disciplinary proceedings under Regulations 8 & 12 of the B.P.T. employees (Classification) (Control and Appeal) Regulations, 1976.

4. The workman pleaded that in a departmental proceeding no evidence was lead before the inquiry officer which can be said to be trust worthy against him. It is averred that the Panchas in whose presence the employee Rajhina is alleged to be seen that such an offence was committed was not produced. It is averred that the witnesses which were examined by the workmen were not relied upon. It is submitted that in the mean time the Metropolitan Magistrate before whom a criminal case in respect of the same was pending discharged him and others. That Judgement was produced before the inquiry officer. The inquiry officer did not consider the same. It is averred that the domestic inquiry which was held against the workman was against the Principle of Natural Justice and the findings of the inquiry officer are perverse. The Judgement was delivered on 11-7-88 by the Metropolitan Magistrate. In fact under such circumstances the inquiry was not at all necessary in the matter. It is averred that the order of the disciplinary authority of dismissing the workman is contrary to the law and it is set aside and the workman may be directed to be reinstated in service alongwith consequential reliefs.

5. The management resisted the claim by the Written statement (Ex. 8). It is averred that the domestic inquiry which was held against the workman was as per the Principles of Natural Justice and the findings of the inquiry officer are based on the evidence before him. The disciplinary authority had rightly taken action against the workman.

6. The management averred that the facts which gave rise to the present Industrial Dispute can be said to be that one M.G. Naik, Assistant Shed Superintendent was on duty on 17-2-87 at Shed No. 17 of Indira Dock. He noticed some empty catrons on the north side of 'F' Bay. On checking he observed that one pallet had a tron corner lying on lift No. 2. He immediately informed Vijay Deshmukh, Police Constable No. 9341 and asked him to inform the Yellow Gate Police Station. After further investigation they found that, that pallet was part of the consignment in item No. 18 of I.G.M. No. 260 of vessel 'BOIZENBURG'. Then the police came on the spot prepared the panchanama then the police inspector started investigation. He arrested the suspected employees. Two of them gave a statement and a Panchanama to that effect was prepared and on its basis in presence of the Panchas stolen property was recovered. The employees also gave statements before the sub-inspectors and a criminal case was lodged against them. At the same time a departmental inquiry was initiated. It is submitted that in a full fledged departmental inquiry the workman was found guilty of the charges levelled against him and the punishment which is awarded is strictly as per the law. It is submitted that the workman is not entitled to any of the reliefs.

7. The issue that fall for my consideration are at Exhibit 13. The issue Nos. 1 and 2 are preliminary issues. The issues and my findings there on are as follows :

Issues	Findings
1. Whether the domestic inquiry which was held against the workman was against the Principles of National Justice?	No.
2. Whether the findings of the inquiry officer are perverse ?	Yes.

#### REASONS

8. Ramesh R. Jadhav (Exhibit-14) accepts the position that he received a chargesheet and replied the same. There were six other persons alongwith him who were chargesheeted. It is a joint inquiry. They were represented by Kunda Sawant the Secretary of the Union. There is no dispute that they received the documents relied by the management and the witnesses who were examined in the inquiry were thoroughly cross examined by their representative. The workman did not examine himself as a witness but they examined defence witnesses in the inquiry. They received the inquiry report and a show cause notice of proposed punishment. He received a dismissal order and his appeal against that order was dismissed. From his evidence it cannot be said that the domestic inquiry which was held against the workman was against the Principles of Natural Justice.

9. Mr. Sawant, the Learned Representative for the workman argued that the chargesheet which was issued to the workman was not proper and ambiguous. After going through the chargesheet I find that there is no ambiguity in it. Infact the workman had given explanation to the same. There is no merit in the argument. The second point which was raised by the Learned Representative is that as the workman was discharged in a criminal trial in respect of the said charges the inquiry should have been dropped. As it is not dropped it is against the Principles of Natural Justice. I am not inclined to accept this submission. The reason is that at the most what the inquiry officer can do is to take into consideration the Judgement of the criminal court while preparing the report. He cannot stop the proceedings. I therefore find that the inquiry which was held against the workman was as per the Principles of Natural Justice.

10. Jadhav (Ex-14) affirmed that first he was placed under suspension and later on by issuing a chargesheet a domestic inquiry was initiated against him. The chargesheet which was issued to him is at Exhibit-10/1. The first page of the chargesheet states that M. G. Naik the Superintendent who was posted in shed No. 17, was on duty on 17-2-97. He noticed some empty catrons on the north side of 'F' Bay. On checking it was found that about 2,001 film rolls from 6000 rolls pallet were missing. On page 2 of the chargesheet in the beggining it is mentioned that in this connection the workman alongwith others were arrested.

11. In the next paragraph there is a averment "On 28-2-1987 Shri Gurmukh Sevakram Rajihira in the presence of Panchas stated that he, Ashok Chavan, Keshav Mhatm and Ramesh Jadhav had stolen film rolls on 15-2-1987 from Shed No. 17 Indira Dock and volunteered to show the shop and person where he and Ashok had sold some film rolls. Shri Gurmukh Sevakram Rajihira led the Police and Panchas to Shop No. 4, Mahalaxmi Steel Emporium, 64, Bora Bazar, Ruby Chambers Building, Fort Market and pointed out one person who gave his name as Shri Roshanlal Gamelal Jain who readily produced the property as under :

1. One gunny bag containing 7 boxes each box containing 100 film rolls of Agfa color XR 100—136DX—Made in Germany. Total 700 film rolls which was taken charge of by the Police under Panchanama dated 28-2-1987".

12. Then thereafter it is mentioned that one Mr. Masurkar the accused who was in police custody gave a statement in presence of Panchas and the property was discovered. Thereafter it is mentioned that the workman alongwith others committed misconduct punishable under Rule

22(2)(b) of the BPT Rules and Regulations for non-Scheduled staff and misconduct of violation of Regulation 3(1) of the BPT Employees (Conduct) Regulations 1976 and have thereby rendered themselves liable to disciplinary proceedings under Regulations 8 and 12 of the BPT Employees (Classification, Control and Appeal) Regulations 1976.

13. It is not in dispute that the workman along with others were challaned in the Metropolitan Magistrate Courts Bombay having criminal case No. 387/P of 1987 (Ex-10/2). This workman was accused No. 4 in that proceeding. By the order dated 11-7-88 he was discharged.

14. Mr. Sawant the Learned Representative for the workman argued that the charges were the same. The evidence before the domestic inquiry and which was before the Metropolitan Magistrate was the same. As the workman was discharged by the Metropolitan Magistrate the inquiry officer should have come to the conclusion that the charges are not proved. On the other hand Mr. Anchan, the Learned Advocate for the management argued that the charges were different and the evidence in both the proceedings being different the conclusions which are drawn by the Learned inquiry officer are perfectly legal and proper.

15. So far as the charge in a domestic inquiry is concerned I have already discussed it in length above. So far as the charge against the workman in a criminal trial was concerned it was not framed at all and he was honourably discharged. It was on the basis of the evidence before the Metropolitan Magistrate. The evidence which was before the Metropolitan Magistrate appears to be a the statements of the witnesses before the inquiry officer and the Panchanama. The detailed order of discharge is not before this Tribunal. But alongwith Exhibit-12 the Learned Advocate for the management had produced documents wherein a statement of different witnesses which were recorded by the police and the statements of the accused are produced. It appears that after going through these statements the Learned Magistrate instead of framing the charge discharged the workman/accused.

16. The evidence before the inquiry officer is obviously the same evidence which was before the Metropolitan Magistrate before framing the charge. It is not the case of the management that the statement of witnesses which were before the Learned Metropolitan Magistrate and the evidence which was lead before the inquiry officer by the management is of different persons. Under such circumstances it has to be said that in both the proceedings the evidence is the same. As the Learned Magistrate came to the conclusion that there is no premafacie case to frame the charge against the workman the inquiry officer should have relied upon it and should have come to the conclusion that the charges are not proved.

17. Mr. Sawant, the Learned Advocate for the workman placed reliance on Chandrakant Rajoji Vs. BPT and Ors. 1995 II CLR 860. That was a case wherein their was a Hon'ble acquittal of the accused workman by the Metropolitan Magistrate and a domestic inquiry in respect of the same charges was initiated. Their Lordships came to the conclusion that on the basis of the same material and on the basis of reappraisal of the same evidence which was there before the criminal court without anything more it is not open to the disciplinary authority to take a contrary view and if this is permitted then it would tender a judicial system 'Negotary'. I rely upon the ratio given in the said authority.

18. The management examined in all ten witnesses in the inquiry proceedings. Out of the 10 witnesses Tawade MW-1 and Sunil Keshav Shinde (MW-5) are the witnesses on the spot Panchanama. Achrekar (MW-2) on inquiry given the list of the details of the workers which was asked by the police officer. Vijay Deshmukh (MW-3) is the police constable and of Yellow Gate Police Station who had given the first information report. He is a formal witness. Malu Naik (MW-4) was the Assistant Shed Superintendent who was on duty on 7-2-87 and noticed that one part was broken and on investigation found that film roll from the pallet are missing. R. T. More (MW-6) does not help by any means to the management. Govind Pillai (MW-8) is the owner of the consignment. Sudhakar Nahadik (MW-9) is the Panch who has signed the Panchanama in the police station. In other words from the testimony of all these witnesses at the most it reveals that there was a theft of films from the pallet on 17. Indira Dock. The testimony of these witnesses does not lead to think that the workman is a party concerned in the said offence.

19. Then remains the testimony of K. S. Kachre (MW-7) and Thomas D'Souza (MW-10). From their testimony it does not reveal that this particular workman had committed any offence. Even if his statement which was recorded by the sub-inspector Kachre is looked into it does not reveal that the charges which are levelled against him are proved. Under such circumstance I find that the conclusions which are drawn by the inquiry officer on the evidence of these witnesses is absolutely incorrect and perverse. They are not based on the evidence before him. In the result I record my findings on the issues accordingly and pass the following order :

#### ORDER

1. The domestic inquiry which was held against the workman was as per the principles of Natural Justice.
2. The findings of the inquiry officer are perverse.

The management is allowed to lead evidence to substantiate its action.

S. B. PANSE, Presiding Officer

नई दिल्ली, 16 सितम्बर, 1998

का०ग्रा०1976.—श्रीयोगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सुपरिन्टेन्डेंट ऑफ पोस्ट ऑफिस, पुणे एमएफएल डिवीजन, पुणे के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में लेबर कोर्ट, पुणे के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-9-98 को प्राप्त हुआ था।

[सं० एन-40012/233/92-आई आर (डी यू )]  
के०वी०बी० उन्नी, डेस्क अधिकारी

New Delhi, the 16th September, 1998

S.O. 1976.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Labour Court, Pune as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Supdt. of Post Offices, Pune MFL Divn., Pune and their workman, which was received by the Central Government on the 16-9-1998.

[No. L-40012/233/92-IR(DU)]  
K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE SMT. A. V. PALSULE, PRESIDING OFFICER, THIRD LABOUR COURT, PUNE

Reference (IDA) No. 149/1994

The Superintendent of  
Post Offices,  
Pune MFL Division,  
Pune. . . . First Party

AND

Shri Maruti Apparao Pandhare.  
C/o G. S. Aga,  
Post Indapur,  
Dist. Pune. . . . Second Party

#### AWARD

1. The Desk Officer, Government of India, Ministry of Labour has made this Ref. under clause (d) of Sub-Section (1) and Sub-Section (2A) of Section 10 of Industrial Disputes Act 1947 (14 of 1947) between Supdt. of Post Offices, Pune MFL Division, Pune (first party) and Shri Maruti Apparao Pandhare (second party) over the following demands :—

Whether the action of the management of Supdt. of Post Offices, Pune MFL Divn.,

Pune, in removing Shri Maruti Apparao Pandhare, E.D.A., Hinganga, B.O. from service vide order dt. 21-6-89 is justified ? If not, what relief he is entitled to ?

2. The reference is kept for hearing today. None of the parties are present. No evidence is led by second party. Hence, the reference is disposed of for want of evidence. No order as to costs.

Pune :

Dated : 21-08-1998.

SMT. A. V. PALSULE, Presiding Officer

नई दिल्ली, 16 सितम्बर, 1998

का०ग्रा०1977.—श्रीयोगिक विवाद अधिनियम, 1997 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिरी चित्रा तिरुनल इन्स्टिट्यूट फॉर मेडिकल साइन्सेस एण्ड टेक्नॉलाजी, तिरुवनन्थापुरम के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोलाम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-9-98 को प्राप्त हुआ था।

[सं० एन-42012/76/95-आई आर (डी यू )]  
के०वी०बी० उन्नी, डेस्क अधिकारी

New Delhi, the 16th September, 1998

S.O. 1977.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Kollam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sree Chitra Tirunal Institute for Medical Sciences and Technology, Thiruvananthapuram and their workman, which was received by the Central Government on the 16-9-1998.

[No. L-42012/76/95-IR(DU)]  
K. V. B. UNNY, Desk Officer

#### ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL, KOLLAM

(Dated, this the 2nd day of September, 1998)

PRESENT :

Sri. C. N. Sasidharan, Industrial Tribunal.

IN

Industrial Dispute No. 9/96

BETWEEN

The Director, Sree Chitra Tirunal Institute for Medical Sciences and Technology, Medical College P.O., Trivandrum.

(By Sri N. Krishnankutty, Advocate, Trivandrum)

**AND**

Smt. K. Kousalia, Latex Vayalarikathu Veedu,  
Peroorkada, Trivandrum.

(By Sri K. S. Gopinathan Nair, Advocate,  
Trivandrum)

**AWARD**

This industrial dispute has been referred for adjudication to this Tribunal by the Government of India by order No. L-42012/76-95-IR(DU) dated 27-6-1996.

The issue for adjudication is the following :—

“Whether the action of the management of Sree Chitra Tirunal Institute for Medical Sciences and Technology Thiruvananthapuram in removing Smt. K. Kousalia, Cleaner is legal and justified? If not, to what relief the workman is entitled to?”

2. In pursuance of notice issued from this Tribunal both sides entered appearance and filed their respective statements. Thereafter while the case was pending for evidence both sides on 18-8-1998 submitted that the dispute has been settled out of court and filed Memorandum of settlement signed by the parties and their counsel.

3. As requested by the parties I accept the Memorandum of settlement and pass an award in terms of the settlement, copy of which is appended to this Award as Annexure.

C. N. SASIDHARAN, Industrial Tribunal

**ANNEXURE**

BEFORE THE HON'BLE INDUSTRIAL  
TRIBUNAL, KOLLAM

I. D. No. 9/1996

**BETWEEN**

Smt. K. Kousalia . . . Workman

**AND**

Director,  
Sree Chitra Tirunal Institute  
of Medical Science &  
Technology . . . Management

**MEMORANDUM OF SETTLEMENT FILED  
BY THE PARTIES**

The above dispute has been settled as follows :

The Management has decided to cancel the order of removal from service of the workman dated 21-11-94 and to award to her compulsory retirement with the benefit of eligible pension effective from 21-11-94 subject to the condition that this agreement shall come into force on disposal of the above case by the Hon'ble Tribunal.

The workman shall not be entitled to any other benefit, whatsoever.

Dated this the 18th day of August, 1998.

Signature of parties :

Workman : Sd/-

Advocate for workman : Sd/-  
Sd/-

Deputy Director (Administration)  
Sree Chitra Tirunal Institute  
for Medical Sciences & Technology  
Thiruvananthapuram-695011.

Sd/-

Advocate for Management.

नई दिल्ली, 10 सितम्बर, 1998

का०आ० 1978 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल डेरी डेवलपमेंट बोर्ड के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं० 2, मुंबई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-9-98 को प्राप्त हुआ था।

[सं० एल-42011/34/97-आई आर (डी०यू०)]

के०वी०डी० उष्णी, हेड्स अधिकारी

New Delhi, the 16th September, 1998.

S.O. 1978.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of National Dairy Development Board, and their workman, which was received by the Central Government on 16-9-1998.

[No. L-42011/34/97-IR(DU)]

K. V. B. UNNY, Desk Officer

**ANNEXURE**

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. II, MUMBAI  
PRESENT :

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/60 of 1998

BETWEEN :

Employers in relation to the Management of  
National Dairy Development Board.

**AND**

Their Workmen.

**APPEARANCES :**

For the Employer : No Appearance.

For the Workmen : No Appearance.

Mumbai dated the 31st August, 1998

**AWARD**

The Government of India, Ministry of Labour by its Order No. L-42011/34/97/IR(DU) dated 28-05-1998 had referred to the following Industrial Dispute for adjudication :

“Whether the action of the management of National Dairy Development Board in terminating the services of S/Shri Nitin Natndas, Shankar M. Kamble, Surendra Singh Harmandari Singh, Subhash Shankar Hingmire, Ram Shakal Upadhyay, Krinamurty Rajvel, Santosh Raul, Sanay Gothankar, Rakesh Mishra, Rameesh Singh Tiwari, Vinod Kumar, Singh Lallan Yadan and Pawan Chaube engaged by them through their contractor M/s. D. P. Industries is justified ? If not, to what relief are the workmen entitled ?”

2. After the receipt of the reference the Secretary of the Tribunal had issued notices to the concerned parties returnable on 17-7-98. The management was served by acknowledgment receipt Exhibit-3 and the union by acknowledgment receipt Exhibit-4. On 17-7-98 management appeared by the union did not. The matter was adjourned twice but the union did not appear nor it filed any statement of claim. On later two days the management also remained absent. It appears that the union does not want to proceed with the matter. Hence I pass the following order :

**ORDER**

The reference is disposed off for want of prosecution.

S. B. PANSE, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1998

का०आ० 1979 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सब डिविजनल आफिसर (टेलीग्राम) छिन्दवाड़ा के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-98 को प्राप्त हुआ था।

[सं० एल -40012/40/90-आई आर (डी.यू.)]

के०वी०बी० उष्णी, डेस्क अधिकारी

New Delhi, the 17th September, 1998

S.O. 1979.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sub Divisional Officer (Telegraphs), Chhindwara and their workman, which was received by the Central Government on the 17-9-1998.

[No. L-40012/40/90-IR(DU)]

K. V. B. UNNY, Desk Officer

**अनुबन्ध**

केन्द्रीय औद्योगिक अधिकरण एवं श्रम मंत्रालय, जबलपुर सं० प्र०

डी०एन० दीक्षित

पीठासीन अधिकारी

प्र०क्र०सी०जी आई टी /एल सी /आर /224/90

श्री शिवप्रसाद कोल्हटकर,

सुपुत्र श्री देवीप्रसाद,

निवासी हिवरा वासुदेव,

पो० उमरानाला,

जिल्हा छिन्दवाडा (म.प्र.)

... प्रार्थी

विरुद्ध

1. डिवीजनल इंजीनियर टेलीग्राम्स,

जबलपुर, डिवीजन,

16, विसिक सेंटर जबलपुर (म.प्र.)

2. सब-डिवीजनल आफिसर टेलीग्राम्स,

छिन्दवाडा डिवीजन, छिन्दवाडा (म.प्र.) प्रतिप्रार्थीनिष्ठा

अर्वाइ

दिनांकित: 9/9/1998

भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने आदेश संख्या: एल-40012/40/90-आई आर (डी०यू०) दिनांक 20/11/90 के द्वारा निम्नलिखित विवाद निराकरण हेतु इस अधिकरण को प्रेषित किया है :—

**अनुसूची**

“Whether the action of the management of Sub-Divisional Officer (Telegraphs), Chhindwara under the control of Telecom Distt. Engineer (Chhindwara), 16, Civil Centre, Jabalpur (MP) in stopping from work to Shri Sheo Prasad Kolhetkar S/o Devi Prasad worker w.e.f. 31-3-88 is justified and legal ? If not, to what relief the workman is entitled to ?”

2. दिनांक 24/11/97 के श्रमिक लगातार इस प्रकरण की पेशियों में उपस्थित नहीं हुआ। प्रकरण श्रमिक की साक्ष्य के लिए लगा हुआ है। ऐसा प्रतीत होता है कि श्रमिक को कोई रुख प्रकरण के निराकरण में नहीं है। दिनांक 5-5-98 को प्रकरण अर्वाइ के लिए नियत किया गया। इस दिनांक से आज तक भी श्रमिक ने कभी कोई आवेदन इसे पुनः नंबर पर लाने के लिए नहीं किया है। श्रमिक सिद्ध नहीं कर सका कि उसकी सेवासमाप्ति का आदेश अवैधानिक है। अर्वाइ प्रबन्धन के पक्ष में दिया जाता है दोनों पक्ष इस प्रकरण का अपना-अपना व्यय वहन करें।

3. नियमानुसार अर्वाइ की प्रतियां भारत सरकार, श्रम मंत्रालय, नई दिल्ली को प्रेषित की जाती हैं।

डी.एन. दीक्षित, पीठासीन अधिकारी

नई दिल्ली, 17 सितम्बर, 1998

का०आ० 1980 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिक्कूरिटी पेपर मिल्स होशंगाबाद के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-98 की प्राप्त हुआ था।

[सं० एल-42011/12/85-डी-2 (बी.)]

के०वी०बी० उष्णी, डेस्क अधिकारी

New Delhi, the 17th September 1998

S.O. 1980.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Security Paper Mills, Hosangabad and their workman, which was received by the Central Government on the 17-9-98.

[No. L-42011/12/85-D. 2 (B)]

K. V. B. UNNY, Desk Officer

अनुबंध

केन्द्रीय औद्योगिक अधिकरण एवं श्रम न्यायालय,  
जबलपुर (म. प्र.)

डी. एन. दीक्षित

पीठासीन अधिकारी

प्र.क्र. सीजीआईटी/एलसी/आर/48/86

जनरल सेंट्ररी,

को-ऑर्डिनेशन कमिटी द्वारा

सेक्यूरिटी पेपर मिल, यूनियन,

सेक्यूरिटी पेपर मिल,

होशंगाबाद (म. प्र.)

विरुद्ध

जनरल मैनेजर,

सेक्यूरिटी पेपर मिल,

होशंगाबाद (म. प्र.)

...प्रार्थी

...प्रतिप्रार्थी

अर्थात्

दिनांकित 02/09/1998

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने आदेश सं. एल. 42011/12/85-डी. 2 (बी) दिनांक 15-5-86 के द्वारा निम्नलिखित विवाद निराकरण हेतु इस अधिकरण को भेजा है :-

#### SCHEDULE

"Whether the action of the management of Security Paper Mills, Hoshangabad,

M. P. in proposing to introduce now Group Incentive Scheme and in withdrawing the existing group Incentive Scheme by way or revocation of settlement vide their notice dated 15-3-85 is justified? If not, to what relief are the workmen entitled?"

2. सिक्कूरिटी पेपर मिल, होशंगाबाद, भारत सरकार का संस्थान है और यह बैंक नोट कागज बना रहा है। एक ग्रुप इन्सेंटिव स्कीम इस मिल में दिनांक 1-6-72 से प्रारंभ की गई गई और भारत के राष्ट्रपति ने इस स्कीम पर अपनी स्वीकृति 30 मई, 72 को दी। इस स्कीम के आने से पहले जो नोट पेपर बनाया जाता था, वह 3400 मीट्रिक टन था। देश में बैंक नोटों की मांग बढ़ी और भारत शासन ने नोट पेपर का उत्पादन बढ़ाने का निर्णय लिया। इस निर्णय के फलस्वरूप सिक्कूरिटी पेपर मिल में जो पुरानी मशीन थी, उन्हें बदलने का निर्णय लिया गया और एन्सिलरी यूनिट बढ़ाने पर भी विचार किया गया। सरकार यह चाहती थी कि नोट पेपर का उत्पादन 6000 मीट्रिक टन प्रतिवर्ष हो जाए और इसीलिए सधार और परिवर्तन पर विचार किया गया। ऐसी स्थिति में ग्रुप इन्सेंटिव स्कीम में संशोधन का निर्णय प्रबंधन और को-ऑर्डिनेशन कमिटी ने लिया और असिस्टेंट लेबर कमिशनर के सामने समझौता दिनांक 11-4-82 सम्पन्न हुआ। को-ऑर्डिनेशन कमिटी श्रमिकों की, में दो यूनियन थी। प्रथम सिक्कूरिटी पेपर मिल एम्प्लॉईज यूनियन और दूसरी सिक्कूरिटी पेपर मिल यूनियन।

3. दिनांक 29-11-82 को ग्रुप इन्सेंटिव स्कीम में दोनों पक्षों की सहमति से संशोधन किया गया। सिक्कूरिटी पेपर मिल में परिवर्तन के कारण श्रमिकों का काम और स्वरूप बदल गया। द्विपक्षीय समझौते में यह उल्लेख था कि इस परिवर्तन के फलस्वरूप श्रमिकों के काम और उत्पादन का लेखा जोखा कराया जाए। और एक्सपर्ट रिपोर्ट के आधार पर कार्य और इन्सेंटिव स्कीम प्रभावशील की जाए। प्रबंधन ने फर्म इक्वाइन बम्बई से यह परीक्षण कराया। इसकी रिपोर्ट दिसम्बर, 84 में प्राप्त हुई और इसी माह में इसे यूनियन को दिया गया। यूनियन ने इक्वाइन की रिपोर्ट पर अपनी असहमति व्यक्त की और इसको प्रभावशील करने पर आपत्ति की। यूनियन चाहती थी कि ग्रुप इन्सेंटिव स्कीम जैसे चल रही है, वैसे ही रखी जाए।

4. प्रबंधन ने धारा 19(2) औद्योगिक विवाद अधिनियम, 1947 के अन्तर्गत नोटिस दिनांक 15-3-85 को नोटिस जारी किया, जिसमें उल्लेख है कि समझौता दिनांक 11-4-82 दो माह पश्चात् निरस्त कर दिया जावेगा।

5. यूनियन और प्रबंधन का विवाद समझौते के लिए असिस्टेंट लेबर कमिशनर (सेन्ट्रल), भोपाल के समक्ष प्रस्तुत हुआ। समझौता दिनांक 3/6/85 को फेल हो गया। को-ऑर्डिनेशन कमिटी ने पुनः यह विवाद रिजनल लेबर

कमिशनर (सेन्ट्रल), जबलपुर को जूलाई, 85 में समझौते हेतु प्रस्तुत किया। इसका सम्बन्ध इबकान रिपोर्ट से था। इसी समय 22-8-85 को राष्ट्रपति महोदय ने ग्रुप इंसेंटिव स्कीम जो जून 72 से प्रभावशील थी, निरस्त कर दिया।

6. श्रमिकों के अनुसार सिक्यूरिटी पेपर मिल का आधुनिकीकरण वास्तव में नहीं किया गया है। राष्ट्रपति महोदय का आदेश दिनांक 22-8-85 अवैधानिक है, क्योंकि यह जब समझौता कार्यवाही चल रही थी, उस समय जारी किया गया है, इसलिए धारा-33 औद्योगिक विवाद अधिनियम, 1947 के अंतर्गत अवैधानिक है। फर्म इबकान ने जो सिफारिशें सिक्यूरिटी पेपर मिल के संचालन हेतु की है, उनका कोई आधार नहीं है और सिफारिश करने वाले एक्सपर्ट को वस्तुस्थिति का पूरा ज्ञान नहीं है। इन एक्सपर्ट्स को अनुभव भी नहीं है। यूनियन और श्रमिकों ने प्रबन्धन को लगातार यह बताया है कि इबकॉन की रिपोर्ट प्रभावशील होने पर उन्हें क्या नुकसान होगा। यह भी बताया है कि इससे उत्पादन में वृद्धि नहीं होगी। इनके विरोध के बाद भी प्रबन्धन इबकॉन की रिपोर्ट को स्वीकार करने पर तुला हुआ है। श्रमिकों को लगातार परेशान किया जा रहा है और उन्हें दण्ड दिया जा रहा है। श्रमिक के विरुद्ध एसंसीयल सर्विस मेंटेनेंस एक्ट के विरुद्ध कार्यवाही की गई तथा दबाया गया। प्रबन्धन की धारा 19(2) का नोटिस श्रमिकों को देने का या राष्ट्रपति द्वारा पुरानी इंसेंटिव स्कीम को वापस लेने का अधिकार नहीं है। श्रमिक यह घोषणा चाहते हैं कि वर्ष 72 की ग्रुप इंसेंटिव स्कीम अभी भी प्रभावशाली है।

7. प्रबन्धन के अनुसार उन्हें अधिकार है कि वे धारा 19(2), औद्योगिक विवाद अधिनियम का नोटिस श्रमिकों को दें। प्रबन्धन के अनुसार राष्ट्रपति का आदेश दिनांक 22-8-85 जिसके द्वारा ग्रुप इंसेंटिव स्कीम, 1972 समाप्त की गई है, वैधानिक है और नियमों के अनुसार है। इबकान लिमिटेड, बम्बई की रिपोर्ट का वैज्ञानिक आधार है और इसका निष्कर्ष वैधानिक है। सिक्यूरिटी पेपर मिल का आधुनिकीकरण किया गया है और ऐसी स्थिति में ग्रुप इंसेंटिव स्कीम में जो उत्पादन की मान्यता 7 मीट्रिक टन प्रतिदिन थी, उसमें परिवर्तन आवश्यक है। आधुनिकीकरण होने से न्यूनतम उत्पादन 11 मीट्रिक टन प्रतिदिन होना चाहिए। यूनियन ने प्रबन्धन के साथ असहयोग का रुख अपनाया, इस कारण साधारण होकर प्रबन्धन ने धारा 19(2) का नोटिस दिया। ग्रुप इंसेंटिव स्कीम, 1972 निरस्त हो गई है। पेपर मिल में शान और उत्पादन रखने के लिए आवश्यक था कि एसंसीयल सर्विस मेंटेनेंस एक्ट का प्रयोग पेपर मिल एरिया में किया जाए। यूनियन ने प्रबन्धन के इस आदेश को मध्य प्रदेश उच्च न्यायालय में चुनौती दी और मध्य प्रदेश उच्च न्यायालय ने एसोसिएशन एसंसीयल सर्विस मेंटेनेंस एक्ट लागू करने की पुष्टि की। प्रबन्धन का उद्देश्य यह नहीं था कि श्रमिकों और यूनियन को दबाया जाए। प्रबन्धन का उद्देश्य इबकान की रिपोर्ट को श्रमिकों की सहमति से लागू करने का था। इस संबंध में कई मीटिंग प्रबन्धन और यूनियन के बीच में हुईं और जब प्रबन्धन को यह लगने लगा कि श्रमिक और यूनियन जानबूझकर बाधा उत्पन्न कर रहे हैं, तब उन्हें धारा 19(2) औद्योगिक विवाद अधिनियम का नोटिस दिया गया। श्रमिकों ने जब शान

भंग की और उत्पादन में कमी आई, तब एसंसीयल सर्विस मेंटेनेंस एक्ट का सहारा प्रबन्धन ने लिया। श्रमिक और यूनियनों की हठधर्मी के कारण नई इंसेंटिव स्कीम पर विचार नहीं हो पा रहा है।

8. रिजनल लेबर कमिशनर (सेन्ट्रल), जबलपुर के समझौता धारा 12(3) औद्योगिक विवाद अधिनियम के अंतर्गत सिक्यूरिटी पेपर मिल एम्प्लाइज यूनियन और प्रबन्धन के बीच समझौता हुआ और इसके फलस्वरूप इंटरिम ग्रुप इंसेंटिव स्कीम इसी दिनांक से उसे प्रभाव में आई। इस समझौते के फलस्वरूप वर्तमान रिफिरेन्स चलने योग्य नहीं है। प्रबन्धन का यह भी कहना है कि सिक्यूरिटी पेपर मिल भारत शासन का प्रतिष्ठान है और जितने कागज का उत्पादन करता है, सम्पूर्ण कागज कंप्नी नोट छापने के काम में स्वयं भारत सरकार प्रयोग करती है। ऐसी स्थिति में यह संस्थान साबरन फंक्शन का कार्य करता है। यह संस्थान धारा 2(जे) औद्योगिक विवाद अधिनियम के अंतर्गत इंडस्ट्री नहीं है। प्रबन्धन चाहता है कि वर्तमान रिफिरेन्स यूनियन के विरुद्ध निर्णय दिया जाए।

9. प्रबन्धन के अनुसार सिक्यूरिटी पेपर मिल, होशंगाबाद बैंक नोट छापने का कागज बनाता है तथा सम्पूर्ण कागज भारत सरकार के द्वारा उपयोग में लाया जाता है। पेपर मिल का संबंध सामान्य व्यवसाय से नहीं है। नोट छापना भारत सरकार का मान्यत फंक्शन है। सिक्यूरिटी पेपर मिल इंडस्ट्री नहीं है। श्रमिकों ने इस तर्क का गंभीर विरोध किया है। श्रमिकों की ओर से जनरल मैनेजर, सिक्यूरिटी पेपर मिल, होशंगाबाद विरुद्ध हरिश्चंद्र नामदेव का निर्णय प्रस्तुत किया गया जो 1979-एम पी एल जे-नूण्ड-451 में मंजूर है। इस निर्णय का सम्बन्ध वर्तमान प्रतिष्ठान सिक्यूरिटी पेपर मिल, होशंगाबाद से है। इस निर्णय में सभी उपलब्ध न्याय सिद्धांत पर विचार किया गया है और माननीय मुख्य न्यायाधीश ने यह निष्कर्ष निकाला है कि यह प्रतिष्ठान इंडस्ट्री है और इंडस्ट्रियल डिस्प्यूट एक्ट इस पेपर मिल में लागू होता है। प्रबन्धन ने इस निर्णय को उच्चतम न्यायालय में चुनौती दी और उच्चतम न्यायालय ने सिविल अपील नं. 1627/79 में दिनांक 12-5-93 को मध्य प्रदेश उच्च न्यायालय के इस निर्णय की पुष्टि की। यह सिद्ध हो गया कि सिक्यूरिटी पेपर मिल, होशंगाबाद इंडस्ट्री है और औद्योगिक विवाद अधिनियम श्रमिकों पर लागू होता है।

10. ग्रुप इंसेंटिव स्कीम वर्ष 72 लागू करने के पीछे प्रबन्धन के तीन कारण थे। प्रथम यह कि उत्पादन में वृद्धि हो, दूसरा यह कि श्रमिकों को उत्पादन के पुरुरूप पारिश्रमिक मिले, तीसरा कि श्रमिक कम से कम गैर-हाजिर रहे। इन्हीं उद्देश्यों की पूर्ति हेतु ग्रुप इंसेंटिव स्कीम वर्ष 72 से प्रभावशाली की गई।

11. ग्रुप इंसेंटिव स्कीम, 72 प्रभावशाली होने के पश्चात् त्रिपक्षीय समझौते के आधार पर उसमें संशोधन दिनांक 11-4-82 और 29-11-82 को किया गया है। इन संशोधनों के द्वारा श्रमिकों को और ज्यादा सुविधाएं दी गईं। इन तीनों समझौतों के संबंध में कोई विवाद नहीं है।

12. दोनों पक्षों में यह भी विवाद नहीं है कि समझौते की एक शर्त थी कि जाब स्टडी श्रमिकों की एक्सपर्ट टीम जैसे कि एडमिनिस्ट्रेटिव स्टाफ काजेज आफ इंडिया, हैदराबाद से कराई जाए। प्रबंधन ने जाब स्टडी मैसर्स इबकॉन, बम्बई से कराई है। इसके पूर्व सहमति यूनियन से नहीं ली गई।

13. यूनियन और प्रबंधन में समझौते में तय हो गया था कि जाब स्टडी किसी मान्यता प्राप्त संस्था से कराई जाए। प्रबंधन ने यह जाब स्टडी फर्प इबकॉन से कराई। साक्ष्य में प्रबंधन ने इबकॉन के एक्सपर्ट को प्रस्तुत नहीं किया। यूनियन ने प्रारम्भ में ही यह कहा है कि फर्प इबकॉन को इस प्रकार की स्टडी का अनुभव नहीं था और उनके कार्यकर्ताओं को हम प्रकार के कार्य की योग्यता नहीं थी। निष्पक्ष जांच की क्षमता भी नहीं थी। पूरा विवाद इबकॉन द्वारा प्रस्तुत रिपोर्ट से प्रारम्भ हुआ। इस परिप्रेक्ष्य में प्रबंधन को यह सिद्ध करना था कि इबकॉन को इस प्रकार की स्टडी करने की क्षमता थी, योग्यता थी और अनुभव था। प्रबंधन पूर्णरूप से यह सिद्ध करने में असफल रहा।

14. प्रबंधन का यह तर्क है कि सिक्यूरिटी पेपर मिल में पुगनी मशीनों के स्थान पर नई मशीनें लगने से उत्पादन में वृद्धि हुई है। इस वृद्धि के आधार पर ही प्रबंधन ग्रुप इनसेंटिव स्कीम, 72 में संशोधन चाहता है। इस तथ्य को भी सिद्ध करने का भार प्रबंधन पर था। सभी लेख प्रबंधन के पास उपलब्ध है। फिर भी प्रबंधन ने लेख इस न्यायालय में प्रस्तुत नहीं किये। प्रबंधन के विरुद्ध विरोधी धारणा बनाई जा रही है।

15. प्रबंधन के गवाह श्री आर. आर. राव, वर्क्स मैनेजर, सिक्यूरिटी पेपर मिल, होशंगाबाद ने शपथ-पत्र के प्रतिपरीक्षण में कहा है कि नई मशीन के लगने के बाद भी सिक्यूरिटी पेपर का उत्पादन प्रतिवर्ष 3900 टन है। प्रबंधन ने अपने रिजवाइडर की कंडिका-7 में कहा है कि नई मशीन लगने के फलस्वरूप न्यूनतम उत्पादन 11 मीट्रिक टन होता चाहिए। इस प्रकार श्री राव के अनुसार उत्पादन नहीं बढ़ा। प्रबंधन का यह आधार समाप्त हो जाता है कि चूंकि उत्पादन बढ़ गया इस कारण ग्रुप इनसेंटिव स्कीम, 72 में संशोधन आवश्यक है।

16. ग्रुप इनसेंटिव स्कीम, 72 के प्रभावशील होने के बाद यूनियन का यह लगने लगा कि प्रबंधन को इस स्कीम का ज्यादा फायदा मिलता है और श्रमिकों को कोई लाभ नहीं है। द्विपक्षीय वार्ता को-ऑर्डिनेशन कमेटी और प्रबंधन के बीच हुई और समझौता दिनांक 11-4-82 प्रभाव में आया। यह लेख प्रदर्श-गम-1 है। इस समझौते में भी दोनों पक्षों की कंडिकाएँ थी, इस कारण पुनः को-ऑर्डिनेशन कमेटी और प्रबंधन के बीच वार्ता हुई तथा समझौता दिनांक 29-11-82 सम्पन्न हुआ। इबकॉन रिपोर्ट आने पर तथा को-ऑर्डिनेशन कमेटी के इसे अस्वीकार करने पर प्रबंधन ने नोटिस दिनांक 15-3-85 सेक्रेटरी, को-ऑर्डिनेशन कमेटी को भेजा। इसमें यह उल्लेख है कि दिनांक 11-4-82 का समझौता दो माह पश्चात् निरस्त किया जाता है।

2556 GI/98—11

इस प्रकार प्रबंधन ने एकपक्षीय समझौता दिनांक 11-4-82 निरस्त किया। इस नोटिस में से ग्रुप इनसेंटिव स्कीम, 72 और समझौता दिनांक 29-11-82 का कोई उल्लेख नहीं है।

17. दिनांक 22-8-85 को ग्रैंडर सेक्रेटरी, भारत सरकार ने ग्रुप इनसेंटिव स्कीम 1-6-72 को निरस्त किया। इसका भी समझौता यूनियन से नहीं हुआ। प्रबंधन के द्वारा इन दोनों निरस्तीकरण के आदेशों के पश्चात् कोई नया समझौता इनसेंटिव बोनस के संबंध में श्रमिक यूनियन से वर्तमान रिफरेंस जारी होने तक नहीं किया गया। इसका तात्पर्य है कि प्रबंधन की ओर से ग्रुप इनसेंटिव स्कीम दि. 15-3-85 से निरस्त हो गई। इसके स्थान पर किसी नई स्कीम का समझौता यूनियन से नहीं किया गया।

18. लाइफ इन्श्योरेंस कॉर्पोरेशन ऑफ इंडिया विरुद्ध श्री. जे. बहादुर और अन्य एआईआर—1980—एससी—2181 में आदरणीय उच्चतम न्यायालय ने यह घोषित किया है कि द्विपक्षीय समझौता दूसरे द्विपक्षीय समझौते से ही निरस्त होता है। इसे एकपक्षीय निरस्त नहीं किया जा सकता। औद्योगिक विवाद अधिनियम विशेष कानून है और इसका संबंध प्रबंधन और श्रमिकों के बीच संतुलन रखने का है। ऐसी स्थिति में अन्य कानून के द्वारा श्रमिकों के हितों को नुकसान नहीं पहुंचाया जा सकता। नोटिस के द्वारा द्विपक्षीय समझौता निरस्त नहीं हो सकता। इस निर्णय के प्रकाश में प्रबंधन का नोटिस दिनांक 15-3-85 और ग्रैंडर सेक्रेटरी का आदेश दिनांक 22-8-85 का कोई प्रभाव ग्रुप इनसेंटिव स्कीम, 72 में नहीं पड़ा।

19. मध्य प्रदेश उच्च न्यायालय की डिवीजनल बेंच ने एस. पी. चटर्जी और अन्य विरुद्ध भारत सरकार और अन्य एमपी नं. 924/81 आदेश दिनांक 8-11-82 में यह व्यक्त किया है कि जब तक इनसेंटिव बोनस का समझौता दोनों पक्षों द्वारा संशोधित नहीं होता या हम विवाद के संबंध में कोई अवार्ड पारित नहीं होता तब तक द्विपक्षीय समझौता प्रभावशील रहेगा। इनसेंटिव बोनस जो द्विपक्षीय समझौते के आधार पर श्रमिकों को दिया जाता है वह श्रमिकों की सविस कंडिशन का एक हिस्सा न जाता है।

20. इसी निर्णय में कहा गया है कि बोनस के संबंध में द्विपक्षीय समझौता एकपक्षीय संशोधित नहीं किया जा सकता। प्रशासनिक आदेश से इसमें संशोधन नहीं किया जा सकता। वर्तमान प्रकरण के तथ्यों को देखते हुए आदेश दिनांक 15-3-85 एवं 22-8-85 के द्वारा प्रबंधन ग्रुप इनसेंटिव स्कीम, 72 वापिस नहीं ले सकती।

21. इसी निर्णय में यह कहा गया है कि जब द्विपक्षीय समझौते के आधार पर श्रमिकों को इनसेंटिव बोनस मिलता है तो यह उनका प्रापर्टी राइट हो जाता है।

22. इस संबंध में मैसर्स टाटा केमिकल्स विरुद्ध श्रमिक टाटा केमिकल्स, एआईआर—1978—एससी—पृष्ठ—828 का अवलोकन भी आवश्यक है। इसमें यह उल्लेख है कि जहां प्रबंधन और श्रमिकों के बीच में द्विपक्षीय समझौता हुआ है, वहां यह समझौता दोनों पक्षों पर बंधनकारी है।

23. मदन मोहन पाठक और अन्य विरुद्ध भारत सरकार और अन्य एआईआर—1978—एससी—803 के प्रकरण में माननीय उच्चतम न्यायालय ने यह घोषित किया है कि वार्षिक नगद बोनस जो प्रबंधन अपने श्रमिकों को देता है, यह संविधान के आर्टिकल—31 (2) के अंतर्गत प्राप्य है। ऐसी स्थिति में नोटिस दिनांक 15-3-85 और नोटिस दिनांक 22-8-85 के द्वारा ग्रुप इन्सेंटिव स्कीम, 72 निरस्त नहीं की जा सकती।

24. वर्तमान रिफरेंस इस न्यायालय में 15-5-86 को प्राप्त हुआ। इसके बाद रिजनल लेबर कमिशनर, जबलपुर के समक्ष प्रबंधन और सिक्यूरिटी पेपर मिल एम्पलाईज यूनियन ने दिनांक 14-12-87 को समझौता किया। इस समझौते की प्रति प्रदर्श-एम-14 है। दिनांक 11-4-82 और 29-11-82 का समझौता श्रमिकों की ओर से को-आर्डिनेशन कमेटी सिक्यूरिटी पेपर मिल यूनियन होशंगाबाद ने किया। इसमें दो यूनियन है। प्रथम सिक्यूरिटी पेपर मिल एम्पलाईज यूनियन और दूसरी सिक्यूरिटी पेपर मिल यूनियन है। समझौता दिनांक 14-12-87 में केवल एक यूनियन से समझौता हुआ है। दूसरी सिक्यूरिटी पेपर मिल यूनियन से समझौता इस दिनांक को प्रबंधन से नहीं हुआ है। ऐसी स्थिति में समझौता दिनांक 14-12-87 सभी श्रमिकों पर बंधनकारी नहीं है। इन्सेंटिव बोनस का विवाद सिक्यूरिटी पेपर मिल यूनियन, औद्योगिक विवाद अधिनियम के अंतर्गत चलाने के लिए सक्षम है। माननीय उच्चतम न्यायालय ने उपरोक्त वर्णित एआईआर—1978—एससी—पृष्ठ—828 के निर्णय में यह घोषित किया है कि औद्योगिक विवाद में जो विवाद प्रबंधन और कम से कम सदस्यों वाली यूनियन में है, इसका समावेश है। इसका तात्पर्य यह है कि जहां पर एक से ज्यादा यूनियन हों और कोई भी यूनियन प्रबंधन से समझौता नहीं करें, वह यूनियन विवाद को औद्योगिक विवाद अधिनियम के अंतर्गत न्यायालय में प्रस्तुत कर सकती है। इस निर्णय के प्रकाश में समझौता दिनांक 14-12-87 को इस न्यायालय में चुनौती वैधानिक रूप से दी जा सकती है।

25. समझौता दिनांक 14-12-87 की कंडिका-9 में उल्लेख है कि इस विवाद के संबंध में वर्तमान प्रकरण इस न्यायालय में लंबित है। इस समझौते का असर वर्तमान प्रकरण में नहीं पड़ेगा।

26. इस न्यायालय में विवाद लंबित रहते हुए प्रबंधन और सिक्यूरिटी पेपर मिल एम्पलाईज यूनियन ने समझौता

दिनांक 14-12-87 को किया। समझौते के पश्चात इसकी सूचना इस न्यायालय को नहीं दी गई। धारा 33 औद्योगिक विवाद अधिनियम के अंतर्गत न्यायालय के समक्ष प्रकरण लंबित रहते हुए, उसी विवाद के संबंध में न्यायालय से बाहर समझौता नहीं हो सकता।

27. समझौता दिनांक 14-12-87 सिक्यूरिटी पेपर मिल एम्पलाईज यूनियन ने स्वेच्छा से नहीं किया है। श्रमिकों को प्रबंधन परेशान करने लगा, निलंबित किया, चार्जशीट दी और एसेंसियल सर्विस मेंटेनेंस ऐक्ट का प्रयोग प्रारंभ किया। इन सभी से श्रमिक दुःखी हो गये और परेशान होकर उन्होंने अपनी जान बचाने के लिए समझौता किया।

28. श्री आर. आर. राव, वर्क्स मैनेजर ने अपने शपथ-पत्र के प्रति परीक्षण में अंतिम पैरा में यह कथन दिया है कि नोटिस दि. 15-3-85 के दो माह के पश्चात प्रबंधन ने औद्योगिक श्रमिकों को इन्सेंटिव बोनस देना बन्द कर दिया।

29. प्रबंधन के गवाह क्रमांक—3 श्री प्रकाशचंद पंथ, सिक्यूरिटी पेपर मिल, होशंगाबाद के जनरल मैनेजर थे। इन्होंने अपने कथन की कंडिका-7 में कहा है कि वर्ष 85 में जब समझौता निरस्त हो गया, तब फैक्ट्री एरिया में एसेंसियल सर्विस मेंटेनेंस ऐक्ट लगाया गया। इन्सेंटिव स्कीम वापस होने से श्रमिक उत्तेजित और ग्राह्य थे। 200 श्रमिकों को प्रबंधन ने चार्ज-शीट दी। कुछ श्रमिकों को निलंबित किया गया। इन्होंने ही अपने कथन की कंडिका-9 में कहा है कि साक्षी ने व्यक्तिगत रूप से यूनियन से विवाद समाप्त करने का प्रयास नहीं किया।

30. इस प्रकार जनरल मैनेजर, सिक्यूरिटी पेपर मिल के कथन से ही यह सिद्ध हो गया कि 87 के एग्जीमेंट के पूर्व श्रमिकों को इन्सेंटिव बोनस नहीं मिलता था, फैक्ट्री एरिया में एसेंसियल मेंटेनेंस ऐक्ट प्रभावशील था। श्रमिकों को निलंबित किया गया था और सैकड़ों श्रमिकों को आरोप-पत्र दिये गये थे। इस प्रकार भय और डर के वातावरण में एक श्रमिक यूनियन से प्रबंधन ने समझौता किया। यह माना जाता है कि यह समझौता स्वेच्छा से नहीं किया गया। ऐसी स्थिति में दि. 14-12-87 का समझौता शून्य है और इसका कोई भी प्रभाव वर्तमान विवाद में नहीं पड़ता।

31. प्रबंधन ने स्वेच्छा से इन्सेंटिव बोनस श्रमिकों को देना बन्द कर दिया है। ऐसी स्थिति में श्रमिक हकी हुई राशि पर 12 प्रतिशत प्रतिवर्ष की दर से ब्याज पाने के अधिकारी हैं। ब्याज इसलिए भी देना आवश्यक है, क्योंकि वर्ष 85 का प्राइज इंडेक्स और वर्ष 98 का प्राइज इंडेक्स में करीब दूने का अन्तर है।

32. माननीय मध्य प्रदेश उच्च न्यायालय ने श्री एस. पी. चटर्जी के निर्णय में दिनांक 8-11-82 में यह निर्धारित

किया है कि एकबार युनियन द्वारा समझौता हो जाने पर यह सभी श्रमिकों पर लागू होगा। ऐसी स्थिति में जिनने भी श्रमिक सिक्यूरिटी पेपर मिल में कार्यरत है, उन सभी को इनसेंटिव बोनस स्कीम, 72 के अनुसार बोनस पाने की पात्रता है।

33. ऊपर लिखी विवेचना का निष्कर्ष यह है कि नोटिस दिनांक 15-3-85 अवैधानिक है और इससे ग्रुप इनसेंटिव स्कीम, 1972 निरस्त नहीं हुआ। जैसा मैंने ऊपर कहा है कि यह स्कीम दूसरी स्कीम से ही निरस्त होती है। इनसेंटिव बोनस श्रमिकों की सर्विस कंडिशन हो गई है। ऐसी हालत में नोटिस के द्वारा प्रबंधन इसे निरस्त नहीं कर सकता। इनसेंटिव बोनस श्रमिकों का प्रापटी का अधिकार है। इस कारण भी यह नोटिस से वापस नहीं लिया जा सकता। घोषणा की जाती है कि ग्रुप इनसेंटिव स्कीम, 1972 अभी भी प्रभावी है।

34. अवाई दिया जाता है कि नोटिस दिनांक 15-3-85 अवैधानिक है तथा इसे निरस्त किया जाता है। सिक्यूरिटी पेपर मिल, होशंगाबाद के सभी श्रमिक ग्रुप इनसेंटिव स्कीम, 72 के अनुसार इनसेंटिव बोनस प्राप्त करेंगे। अवाई मुद्रित होने के तीन माह के अन्दर यह भुगतान किया जाए। जिनने दिनों यह राशि प्रबंधन ने श्रमिकों को नहीं दी है, उस अवधि में श्रमिकों को रुकी हुई राशि पर रुपये 12 प्रतिशत प्रतिवर्ष की दर से ब्याज दिया जावेगा। दोनों पक्ष इस प्रकरण का अपना-अपना व्यय वहन करें।

35. अवाई की प्रतियां नियमानुसार भारत सरकार, श्रम मंत्रालय, नई दिल्ली को प्रेषित की जाती है।

डी. एन. दीक्षित, पीठासीन अधिकारी

नई दिल्ली, 15 सितम्बर, 1998

का. आ. 1981.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में उडियन एयरलाइन्स के प्रबन्धतंत्र के के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-9-98 को प्राप्त हुआ था।

[सं. एन-11012/8/88-डी II (व)/डी III बी-  
आई आर (सी-I)]

एस. एस. गुप्ता, डेस्क अधिकारी

New Delhi, the 15th September, 1998

S.O. 1981.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCIL and their workman, which was received by the Central Government on 15-9-98.

[No. L-11012/8/88-D.IIB/D.IIB/IR(C.I.)]  
S. S. GUPTA, Desk Officer

## ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING  
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL, NEW DELHI

I.D. No. 123/88

In the matter of dispute between :

Shri Chattar Singh,  
H. No. 24, Saddique Nagar, Village Sihani,  
Ghaziabad.

Versus

The Regional Manager,  
Indian Airlines,  
Airlines House,  
New Delhi.

## APPEARANCES :

Shri Kulbhushan for the Workman.

Miss S. Vallarmati for the Management.

## AWARD

The Central Government in the Ministry of Labour vide its Order No. L-11012/8/88-D.II(B)/D.III(B) dated 17th November, 1988 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the action of the management of Indian Airlines in dismissing Shri Chattar Singh, Loader from the service vide order dated 26-7-83 is fair just and legal. If not, to what relief the workman is entitled?"

2. The workman in his statement of claim stated that he was appointed as loader in the Indian Airlines Management New Delhi on 1-3-60 and was made permanent in July, 1967 and drawing pay scale of Rs. 260 PM at the time of his termination. He was later selected for the post of Sr. Loader vide letter dated 30-1-1981. He was impleaded in a false case of theft of wooden box containing H.M.T. Watches belonging to Indian Airlines Cargo, H.M.T., Bangalore. A criminal case was lodged against him under section 379 I.P.C. on the allegations that on 12-9-81 at about 5.35 PM he had committed the theft of these watches. He underwent to trial but was found not guilty and acquitted on 28-4-86.

3. During the course of his trial he was separately charge sheeted by the management on 26-11-81 and was suspended from the service from 15-9-81. He gave reply to the charges levelled against him. Shri L. D. Chopra was appointed as Enquiry Officer and the Enquiry Officer held the enquiry and found charges against him as not proved. In spite of the fact that he was exonerated by the enquiry officer the Chief Commercial Manager, Indian Airlines did not accept the findings of the Enquiry Officer and ordered the removal of the workman from the service w.e.f. 26-7-83. He was acquitted by the Criminal Court and found not guilty by the Enquiry Officer. The Management in spite of these findings terminated his services. The action of the Management in terminating the services of the workman was, therefore, not justified and he deserves to be reinstated.

4. The Management on the other hand in its written statement alleged that the workman was acquitted by the criminal court by giving him benefit of doubt and this fact was not considered by the Government while making reference to this court. The reference was, therefore, bad. The workman was actually caught red-handed while stealing the wooden box and thus lost the confidence and faith of the management as it amounted to grave misconduct. The punishing authority was not bound by the findings of the enquiry officer and could make the decision independent of the findings of the enquiry officer and after having gone through the facts of the case disciplinary authority came to the conclusion that the action of the workman amounted to grave misconduct and did not deserve to be retained in service and the action according to the management was thus fully justified.

5. The Management examined Shri D. S. Raghwan. MW1 while the workman himself appeared as WW1.

6. I have heard the representatives for the parties and have gone through the record.

7. The representative for the management has urged that though the workman was acquitted by the Criminal Court but the said acquittal was made on the basis of benefit of doubt as there was no sufficient evidence for the criminal court to hold him guilty. He has urged that the acquittal by the criminal court does not debar him to take away right of the management to take action against him departmentally. The domestic enquiry could be conducted even during the pendency of the criminal court and in this regard the management has referred to AIR 1965 SC 155—Tata Oil Mills Vs. Workman and Secretary, Government Department, Madras Vs. Marimuthu—1992 Vol. Labour Law Reporter 36.

8. The Management even after the exoneration of the workman by the Enquiry Officer had the power to disagree with those findings the disciplinary authority could disagree and pass his final conclusion on assessment of the evidence taking into account the reasoning articulated in the Enquiry Officer's report and the recommendations made therein which the disciplinary authority was not bound to follow. In this regard the Management representative has referred to U.O.I. and other Vs. E. Bashyan—1989 Vol. 74 F.I.R. 259. According to the Management representative the standard of proof in domestic enquiry differs from the standard of proof in criminal proceedings as in the criminal proceedings charges have to be proved beyond doubt while the situation in the domestic enquiry is different. The conclusion of the disciplinary authority in his case was based upon his own judgment of facts recorded and he was fully justified in taking the decision of termination of service of the workman for his act of grave misconduct.

9. The workman representative on the other hand has urged that the management could deal with a delinquent employee in both the manners i.e. by a criminal case or a departmental enquiry. In the case of the present workman both the procedures were adopted namely a criminal case was registered against him and the departmental enquiry was also initiated. However, he was not found guilty either by the criminal court or by the Enquiry Officer. The acquittal in criminal court whether on the basis of benefit of doubt or otherwise was an acquittal for all purposes. In addition to this the enquiry officer who is a departmental man of the management examined the witnesses produced by the Management but came to the conclusion that the case against the workman was not proved. On both the fronts i.e. criminal and the departmental enquiry the management failed to prove its case. The Disciplinary authority of its own has taken this decision to terminate his services which was not based on natural justice. The termination of the workman was, therefore, not justified and he deserves to be reinstated.

10. After having gone through the points urged before me by the representatives of the parties I am of the opinion that the management has not been fair to the workman in this case. According to the Supreme Court Judgment in P. J. Sunderrajan and Another Vs. Unit Trust of India and Anr in Civil Appeal No. 5026/1990 dated October 30, 1990 it was held as follows :—

"Held.—The departmental enquiry should be stayed till the trial before the Chief Metropolitan Magistrate, Madras is completed. If the respondents so choose, they can proceed with the enquiry after the judgment is rendered by trial court, whether any appeal is filed or not against the decision of the trial court."

The Hon'ble Supreme Court in Civil Appeal No. 1309/1986 dated 16-1-1991 Babu Lal and The State of Haryana and Ors it was held as follows :—

"Held.—When the order of suspension is made on the sole ground that criminal proceedings are pending against the employees, the order of termination during the period of suspension and also during the pendency of the proceedings of the criminal proceeding which ultimately ended with the acquittal of the employer, is illegal."

The court if necessary for the ends of fair play and justice, can lift the veil and find out the real nature

of the order and if it is found that the impugned order is penal in nature even though it is couched with the order of termination in accordance with the terms and conditions of order of termination in accordance with the terms and conditions of the order of appointment, the order will be set aside."

11. There are judgments to the contrary also and the legal position that emerges from the various decisions is that there was so bar for holding disciplinary proceedings during the pendency of the criminal trial though the basis of the criminal case and subject matter of the charge in both the proceedings was one and the same. However, in the present case the position was different. The workman was found not guilty by the criminal court and was also exonerated by the enquiry officer in the domestic enquiry. There are two proceedings on the basis of which a conclusion is to be drawn about his guilt or otherwise. He is found not guilty in both the proceedings. The disciplinary Authority comes to the conclusion that draws on its own conclusion on the basis of evidence recorded by the Enquiry Officer and the entire evidence was recorded by the enquiry officer and he could have judged the demeanour of the witnesses who made statements before him and came to the conclusion by going through the entire proceedings. The Disciplinary Authority did not conduct the enquiry and had based his findings/conclusion only on the basis of the proceedings of the enquiry. He therefore had no first hand knowledge of the events and the same were based only on the documents of evidence recorded by the same one else. The powers of the Disciplinary authority no doubt are much more than those of the Enquiry Officer who in a situation like this where an employee has been acquitted by the criminal court and also by the Departmental Enquiry Officer, it would be too much to impose punishment of termination of service upon him. Keeping in view the circumstances of the case and my discussion above I am of the opinion that the action of the Management in terminating the services of the workman was not justified. The workman is ordered to be reinstated with full back wages from the date of his acquittal by the criminal court and continuity of service as no evidence had been produced by the management regarding the employment of the workman during this period. Parties are, however, left to bear their own costs.

3rd September, 1998.

GANPATI SHARDMA, Presiding Officer  
नई दिल्ली, 15 सितम्बर, 1998

का.ग्रा. 1982.—औद्योगिक विवाद अधिनियम, 1947  
(1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मै. बी.सी.एल. के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं.-2), धनबाद के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 15-9-98 को प्राप्त हुआ था।

[[सं. एल-20012/39/92-आई.आर. (सी-I)]  
एस.एस. गुप्ता, डेस्क अधिकारी

New Delhi, the 15th September, 1998

S.O 1982.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B. C. C. L. and their workman, which was received by the Central Government on 15-9-98.

[No. L-20012/39/97-IR (C-I)]  
S. S. GUPTA, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL (NO. 2) AT  
DHANBAD.

## PRESENT :

Shri B. B. Chatterjee, Presiding Officer.

In the matter of an Industrial Dispute under  
Section 10(1)(d) of the I. D. Act., 1947.

REFERENCE NO. 183 OF 1987

## PARTIES :

Employers in relation to the management of  
Bhowra (South) Colliery of M/s. Bharat  
Coking Coal Limited and their work-  
man.

## APPEARANCES :

On behalf of the workmen : Shri D. Mukherjee,  
Secretary, B.C.K.U.On behalf of the employers : Shri H. Nath, Advoca-  
cate.

STATE : Bihar. INDUSTRY : Coal.

Dated, Dhanbad, the 12th August, 1998

## AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/39/87-D. III(A), dated, the 8th July, 1987.

## SCHEDULE

"Whether the termination of the service of Shri Jadu Modi, Timber Mazdoor by the management of Bhowra (South) Colliery of M/s. Bharat Coking Coal Limited on 5-11-1985 is justified ? If not, to what relief is the workman entitled ?"

2. In this case both the parties appeared and filed their respective W. S. documents etc. Subsequently when the case was fixed for evidence both the parties submitted before me to pass a 'No dispute' Award in this reference since they are not interested to contest them same. In the circumstances, I have no other alternative but to pass a 'No dispute' Award in this reference presuming that there is no dispute existing between the parties presently.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 15 सितम्बर 1998

का.आ. 1983.—औद्योगिक विवाद अधिनियम, 1947  
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय

सरकार मै. बी.सी.सी.एल.के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2) धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-9-98 को प्राप्त हुआ था।

[सं. एल-20012/159/91-आर्.आर. (सी-I)]  
एस.एस. गुप्ता, डेस्क अधिकारी

New Delhi, the 15th September, 1998

S.O. 1983.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 15-9-1998.

[No. L-20012/159/91-IR (C-I)]  
S. S. GUPTA, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL (NO. 2) AT  
DHANBAD.

## PRESENT :

Shri B. B. Chatterjee, Presiding Officer.

In the matter of an Industrial Dispute under  
Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 36 OF 1993

## PARTIES :

Employers in relation to the management  
of Basdeopur Colliery of M/s. B.C.C.L.  
and their workmen.

## APPEARANCES :

On behalf of the workmen : None.

On behalf of the employers : None.

STATE : Bihar. INDUSTRY : Coal.

Dated, Dhanbad, the 24th August, 1998

## AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012 (156)/91-I.R. (Coal-I), dated, the 12th November, 1993.

## SCHEDULE

"Whether the demand of National Coal  
Workers Congress for placing Shri

Narayan Prasad Vishwakarma in Cat. IV w.e.f. 1-12-78 and further placing him in Cat. I w.e.f. 1-9-83 is justified? If so, to what relief the workman is entitled?"

2. Soon after the receipt of the order of reference notices were duly served upon the parties. But both the parties abstained from appearing before this Tribunal. Thereafter several adjournments were granted to them and notices were issued to them. But inspite of the issuance of notices to them they neither appeared nor took any steps. It therefore leads me to an inference that presently there is no dispute existing between the parties. In the circumstances, I have no other alternative but to pass a 'No dispute' Award in this reference.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 15 सितम्बर, 1998

का.आ. 1984.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं.-2) धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-9-98 को प्राप्त हुआ था।

[सं.एल-20012/352/92-आई.आर. (सी-1)]

एस.एस. गुप्ता, डेस्क अधिकारी

New Delhi, the 15th September, 1998

S.O. 1984.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of Central Government hereby publishes the award of (No. 2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 15-9-98.

[No. L-20012/352/92-IR (C-I)]

S. S. GUPTA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL (No. 2) AT  
DHANBAD.

PRESENT :

Shri B. B. Chatterjee, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) and sub-section 2(k) of the I.D. Act, 1947.

REFERENCE NO. 186 OF 1993

PARTIES :

Employers in relation to the management of  
Bhagaband Colliery of M/s. B.C.C.L.  
and their workmen.

APPEARANCES :

On behalf of the workmen : None.

On behalf of the employers : None.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 25th August, 1998

#### AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(352)/92-I.R. (Coal-I), dated the 5th/9th November, 1994.

#### SCHEDULE

"Whether the action of the management of Bhagaband Colliery of BCCCL for not getting the age of Shri Ramu Hazam assessed by Apex Medical Board is justified? If not, to what relief the workman is entitled to?"

2. In this case registered notices were duly served upon the parties. But none of the parties appeared nor took any steps. Then again notices were issued to them. But inspite of the issuance of notices to them they neither turned up nor took any steps. It therefore leads me to an inference that there is no dispute existing between the parties presently. In the circumstances, I have no other alternative but to pass a 'No dispute' Award in this reference.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 23 सितम्बर, 1998

का.आ. 1985.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 अक्टूबर, 1998 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय-5 और 6 (धारा-76 की उप-धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध आन्ध्र प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“जिला मेडक के सांगारेड्डी मण्डल में राजस्व ग्राम पोथीरेड्डीपल्ली के अन्तर्गत आने वाले क्षेत्र”।

[संख्या एस०-38013/23/98-एस०एस०-1]

जे०पी० शुक्ला, अवर सचिव

New Delhi, the 23rd September, 1998

S.O. 1985.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st October, 1998 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas of the State of Andhra Pradesh namely :

“The areas falling within the revenue villages of Pothireddypalli in Sangareddy Mandal of Medak District.”

INo. S-38013/23/98-SS-II  
J. P. SHUKLA, Under Secy

नई दिल्ली, 25 सितम्बर, 1998

का०आ० 1985.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91क के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम, प्रवर्तन से मैसर्स जैमा संलग्न सूची में दर्शाया गया है में नियुक्त नियमित कर्मचारियों को एक अक्टूबर, 1997 से 30 सितम्बर, 2000 तक कि जिसमें यह दिनांक भी सम्मिलित है की अवधि के लिए छूट प्रदान करती है।

2. पूर्वोक्त छूट की शर्तें निम्नलिखित हैं, अर्थात् :—

(1) पूर्वोक्त कारखाना, जिसमें कर्मचारी नियोजित है, एक रजिस्टर रखेगा, जिसमें छूट प्राप्त कर्मचारियों के नाम और पदाभिधान दिखाये जायेंगे।

(2) इस छूट के होते हुए भी, कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रसुविधाएं प्राप्त करते रहेंगे, जिनको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट प्रवृत्त होने की तारीख से पूर्व संदत्त अभिदायों के आधार पर हकदार हो जाते।

(3) छूट प्राप्त अवधि के लिए यदि कोई अभिदाय पहले ही किये जा चुके हों तो वे वापस नहीं किये जायेंगे।

(4) उक्त कारखाने का नियोजक उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे इसके पश्चात् “उक्त अवधि” कहा गया है), ऐसी विवरणियां ऐसे प्रारूप में और ऐसी विनिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी थी।

(5) निगम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक, या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी :—

- (i) धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरणी की विनिष्टियों को सत्यापित करने के प्रयोजनार्थ,
- (ii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गये थे या नहीं या,
- (iii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिए गए उन फायदों को, जिसके प्रतिफल स्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं,
- (iv) यह अभिनिश्चित करने के प्रयोजनार्थ कि उस अवधि के दौरान जब, उक्त कारखाने के संबंध में अधिनियम के उपबन्ध प्रयुक्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं।

निम्नलिखित कार्य करने के लिए, संभवतः होगा :—

- (क) प्रधान या अव्यवहित नियोजक से अपेक्षा करने कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है,
- (ख) ऐसे प्रधान या अव्यवहित नियोजक के अवशिष्टाधीन किसी कारखाने स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संदाय से संबंधित ऐसे लेखा, बहियां और अन्य दस्तावेज ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करे और उनकी परीक्षा करने दे, या उन्हें ऐसी जानकारी दे, जिससे वे आवश्यक समझते हैं, या
- (ग) प्रधान या अव्यवहित नियोजक की, उसके अभिकर्ता या सेवक की या ऐसे किसी व्यक्ति की जो ऐसे कारखाने स्थापन कार्यालय या अन्य परिसर में पाया जाये, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का व्यक्तिगत कारण है कि वह कर्मचारी है परीक्षा करना, या
- (घ) ऐसे कारखाने, स्थापन कार्यालय या अन्य परिसर में रखे गये किसी रजिस्टर लेखाबही या अन्य दस्तावेज की नकल तैयार करना या उससे उद्धरण लेना।

अनुसूची

क्रमांक फैक्ट्री/संस्थान का नाम

1. आल बी यूनिट्स आफ मैसर्स इंडियन आयल कार्पोरेशन लि० (मार्केटिंग डिवीजन), नई दिल्ली।

2. आल दी यूनिट्स आफ मैसर्स हिन्दुस्तान पेट्रोलियम कारपोरेशन लि., बम्बई ।
3. आल दी यूनिट्स आफ मैसर्स भारत पेट्रोलियम लि., बम्बई ।
4. मैसर्स इंडियन आयल विल्डिंग लि., कलकत्ता और ट्राम्बे ।
5. आल दी यूनिट्स आफ मैसर्स भारत हैवी इलक्टीकल्स लि., लोदी रोड, नई दिल्ली ।
6. मैसर्स भाख्ती उद्योग लि., गुडगावा, हरियाणा ।
7. मैसर्स हिन्दुस्तान एरोनौटिक्स लि., लखनऊ ।
8. मैसर्स हिन्दुस्तान एरोनौटिक्स लि., कानपुर ।
9. मैसर्स हिन्दुस्तान जिक लि., विशाखापटनम ।
10. मैसर्स हिन्दुस्तान जिक स्मल्टर लि., उदयपुर ।
11. मैसर्स नेशनल एल्यूमीनियम कं. लि., विशाखापटनम ।
12. मैसर्स इंडियन फार्मर्स फर्टिलाइजर्स कोपरेटिव लि., ब्लोल डिस्ट्रिक्ट, गांधीनगर (गुजरात)
13. मैसर्स सैन्ट्रल इलक्टीकल्स लि., साहिबाबाद (उ. प्र.)
14. मैसर्स नेशनल फर्टिलाइजर्स लि., भटिंडा
15. मैसर्स इंडियन रॉर अर्थर्स लि., उद्योगमंडल, केरल ।
16. मैसर्स इस्ट्रोमैटेशन लि., कोटा ।
17. मैसर्स राष्ट्रीय कैमिकल्स एण्ड फर्टिलाइजर्स लि., बम्बई ।
18. मैसर्स भारत इलक्टीकल्स लि., गाजियाबाद (उ. प्र.) (क्षेत्रीय कार्यालय नई दिल्ली एण्ड लाईसंस आफिसर, आगरा ।
19. मैसर्स इंडियन टेलिफोन इंडस्ट्रीज लि., रायबरेली ।
20. मैसर्स कम्प्यूटर मेन्टेन्स कोरपोरेशन, नई दिल्ली ।
21. मैसर्स भारत गोल्ड माइन्स लि., कोलार-गोल्ड फिल्ड्स, कर्नाटक ।
22. मैसर्स हिन्दुस्तान शिपयार्ड लि., विशाखापटनम ।
23. मैसर्स कोचीन शिपयार्ड लि., कोचीन ।
24. मैसर्स फिल्ड वर्कशाप एण्ड मरीन वर्कशाप आफ टूटीकोरीन पोर्ट ट्रस्ट, टूटीकोरीन ।
25. मैसर्स भारत हैवी प्लैट्स एण्ड बीसेल्स लि., विशाखापटनम ।
26. मैसर्स हिन्दुस्तान फोटो फिल्म मैनुफैक्चरिंग, कं. लि., मद्रास ।
27. मैसर्स पवन हंस लि., नई दिल्ली ।
28. आल दी यूनिट्स आफ मैसर्स सैन्ट्रल सिल्क बोर्ड, बैंगलूर ।
29. मैसर्स इस्टीमेट्स आफ डिजाइन एण्ड इलक्टीकल मैसूरिंग इस्टीमेट्स, बम्बई ।
30. मैसर्स गोवा मीट काम्प्लैक्स लि., गोवा ।
31. मैसर्स नेशनल इस्टीमेट्स लि., जायधपुर (कलकत्ता)
32. मैसर्स कारपोरेट आफिस आफ मैसर्स नेशनल टैक्सटाइल कारपोरेशन (एम.पी.) लि., इन्दौर ।
33. मैसर्स कारपोरेट आफिस आफ मैसर्स नेशनल टैक्सटाइल कारपोरेशन (यू.पी.) लि., कानपुर ।

34. मैसर्स कारपोरेट आफिस आफ मैसर्स नेशनल टैक्सटाइल कारपोरेशन (तमिलनाडु एंड पांडीचेरी) लि., मद्रास ।
35. मैसर्स सैन्ट्रल टूल रूम, लुधियाना ।
36. मैसर्स ब्रिटिश इंडिया कारपोरेशन लि., (मुख्यालय) कानपुर ।
37. मैसर्स इंडियन टेलिफोन इंडस्ट्रियल, पलक्कड, केरल ।
38. मैसर्स फेक्ट, उद्योगमंडल, केरल ।
39. मैसर्स हिन्दुस्तान न्यूजप्रिंट लिमिटेड, कोट्टायम ।
40. मैसर्स हिन्दुस्तान आरगैनेक कैमिकल्स लि., इरानाकुलम, कलकत्ता ।
41. मैसर्स एच.आई.एल., उद्योगमंडल, केरल ।
42. मैसर्स आई.एस.आई. कलकत्ता ।
43. मैसर्स नेशनल जूट मैनुफैक्चररज कारपोरेशन (मुख्यालय) नेताजी सुभाष रोड, कलकत्ता ।
44. कारपोरेट आफिस आफ मैसर्स हिन्दुस्तान लेटेक्स लि., त्रिवेन्द्रम (इनकनुडिंग निरोध फैक्ट्री, कानांगाला, बेलगांव एण्ड पेरुकाडा यूनिट) ।
45. मैसर्स कोचीन रीफाइनरिज, केरल ।

[सं० एस-38 014/77/97-एस.एस. 1]

जे० पी० प्कुला, अवर सचिव

(स्पष्टीकरण जापन) — इस मामले में छूट को भूतलक्षी प्रभाव देना आवश्यक हो गया है क्योंकि छूट के आवेदन पर कार्यवाही करने में समय लगा था, किन्तु यह प्रमाणित किया जाता है कि छूट को भूतलक्षी प्रभाव देने से किसी भी व्यक्ति के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा ।

New Delhi, the 25th September, 1998

S.O. 1986.—I, exercise of the power conferred by section 88 read with section 91-A of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby exempts the employees of the Factories/Establishments specified in the schedule from operation of the said Act for a period with effect from 1st October, 1997 up to and inclusive of the 30th September, 2000.

2. The above exemption is subject to the following conditions namely :—

(1) The aforesaid establishment wherein the employees are employed shall maintain a register showing the name and designations of the exempted employees;

(2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;

- (3) The contributions for the exempted period, if already paid, shall not be refunded;
- (4) The employer of the said factory|establishment shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
- (5) Any inspector appointed by the Corporation under Sub-Section (1) of Section 45 of the said Act, or other official of the Corporation authorised in this behalf shall, for the purpose of :—
- Verifying the particulars contained in any return submitted under sub-section (1) of Section 44 for the said period; or
  - ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
  - ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification, or
  - ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory to empowered to :
    - require the principal or immediate employer to furnish to him such information as he may consider necessary; or
    - enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in-charge thereof to produce to such Inspector or other official and allow him to examine accounts, books and other documents relating to the employment of personal and payment of wages or to furnish to him such information as he may consider necessary; or
    - examine the principal or immediate employer, his agent or ser-

vant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee; or

- (d) make copies of or take extracts from any register, account book or other document maintained in such factory, establishment, office or other premises.

### SCHEDULE

S. No.	Name of the Establishment Factory
1.	All the Units of M/s. Indian Oil Corporation Ltd., (Marketing Division), New Delhi.
2.	All the Units of M/s. Hindustan Petroleum Corporation Ltd., Bombay.
3.	All the Units of M/s. Bharat Petroleum Ltd., Bombay.
4.	M/s. Indian Oil Blending Ltd., Calcutta and Trombay.
5.	All the Units of M/s. Bharat Heavy Electricals Ltd., Lodhi Road, New Delhi.
6.	M/s. Maruti Udyog Ltd., Gurgaon, Haryana.
7.	M/s. Hindustan Aeronautics Ltd., Lucknow.
8.	M/s. Hindustan Aeronautics Ltd., Kanpur.
9.	M/s. Hindustan Zinc Ltd., Visakhapatnam.
10.	M/s. Hindustan Zinc Smelter Ltd., Udaipur.
11.	M/s. National Aluminium Company Ltd., Visakhapatnam.
12.	M/s. Indian Farmeres Fertilisers Co-operative Ltd., Kalol District, Gandhinagar (Gujarat).
13.	M/s. Central Electronics Ltd., Sahibabad (U.P.).
14.	M/s. National Fertiliser Ltd., Bhatinda.
15.	M/s. Indian Rare Earths Ltd., Udyogmandal, Kerala.
16.	M/s. Instrumentation Ltd., Kota.
17.	M/s. Rashtriya Chemicals & Fertilizers Ltd., Bombay.
18.	M/s. Bharat Electronics Ltd., Ghaziabad (U.P.) (including their Regional Offices in New Delhi and Liaison Officer at Agra).
19.	M/s. Indian Telephone Industries Ltd., Raibareli.

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| <p>20. M/s. Computer Maintenance Corporation, New Delhi.</p> <p>21. M/s. Bharat Gold Mines Ltd., Kolar Gold Fields, Karnataka.</p> <p>22. M/s. Hindustan Shipyard Ltd., Vishakhapatnam.</p> <p>23. M/s. Cochin Shipyard Limited, Cochin.</p> <p>24. M/s. Field Workshop and Marine Workshop of Tuticorin Port Trust, Tuticorin.</p> <p>25. M/s. Bharat Heavy Plates and Vessels Ltd., Visakhapatnam.</p> <p>26. M/s. Hindustan Photo Films Manufacturing Co. Ltd., Madras.</p> <p>27. M/s. Pawan Hans Ltd., New Delhi.</p> <p>28. All the Units of M/s. Central Silk Board, Bangalore.</p> <p>29. M/s. Institute for Design and Electrical Measuring Instruments, Bombay.</p> <p>30. M/s. Goa Meat Complex Ltd., Panaji, Goa.</p> <p>31. M/s. National Instruments Ltd., Jadavpur (Calcutta).</p> <p>32. M/s. Corporate Office of M/s. National Textile Corporation (M.P.) Ltd., Indore</p> <p>33. M/s. Corporate Office of M/s. National Textile Corporation (U.P.) Ltd., Kanpur.</p> <p>34. Corporate Office of M/s. National Textile Corporation (Tamilnadu &amp; Pondicherry) Ltd., Madras.</p> | <p>35. M/s. Central Tool Room, Ludhiana.</p> <p>36. M/s. British India Corporation Ltd. (Hq.), Kanpur.</p> <p>37. M/s. Indian Telephone Industries, Palakkad, Kerala.</p> <p>38. M/s. FACT, Udyogamandal, Kerala.</p> <p>39. M/s. Hindustan Newsprint Ltd., Kottayam.</p> <p>40. M/s. Hindustan Organic Chemicals Ltd., Ernakulam, Calcutta.</p> <p>41. M/s. HIL, Udyogamandal, Kerala.</p> <p>42. M/s. ISI, Calcutta.</p> <p>43. M/s. National Jute Manufacturers Corporation (Hq.), Netaji Subhash Road, Calcutta.</p> <p>44. Corporate Office of M/s. Hindustan Latex Ltd., Trivandrum (Including Nirodh Factory, Kanagalla, Belgaon and Perookada Unit).</p> <p>45. M/s. Cochin Refineries, Kerala.</p> |
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[No. S-38014/77/97-SS. I]

J. P. SHUKLA, Under Secy.

EXPLANATORY MEMORANDUM.—It has become necessary to give retrospective effect to the exemption in this case as processing of the applications took time. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of any body adversely.